



भारत का राजपत्र

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No. 15]

NEW DELHI, SATURDAY, APRIL 11, 1981/CHAITRA 21, 1903

इस भाग में भिन्न पट्ट संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके।
Separate paging is given to this Part in order that it may be filed as a separate compilation.

भाग II—खण्ड ३—उप-खण्ड (ii)
PART II—Section 3—Sub-section (ii)

(रक्षा मंत्रालय को छोड़कर) भारत सरकार के मंत्रालयों द्वारा जारी किए गए सांविधिक आदेश और अधिसूचनाएं
Statutory Orders and Notifications issued by the Ministries of the Government of India
(other than the Ministry of Defence)

गृह मंत्रालय

नई दिल्ली, 28 मार्च, 1981

का० आ० ११३३.—केन्द्रीय सरकार, सरकारी स्थान (अप्राधिकृत अधिभोगियों की बेदखली) अधिनियम, १९७१ (१९७१ का ४०), की धारा ३ द्वारा प्रदत्त शक्तियों का प्रयोग करने हुए और भारत सरकार के गृह मंत्रालय की अधिसूचना सं० का० आ० १९३७, तारीख १४ जुनाई, १९८० को अधिकान्त करते हुए, नीचे दी गई सारणी के स्तर (१) में उल्लिखित अधिकारियों वो जो कि सरकार के राजपत्रित अधिकारी हैं, उक्त अधिनियम के प्रयोजन के लिए सम्पदा अधिकारी नियुक्त करती हैं जो उक्त सारणी के स्तर (२) में विनिर्दिष्ट स्थानीय सीमाओं के भीतर अन्दमान और निकोबार, द्वीपसमूह प्रशासन के आवासीय और अनावासीय भवनों या उसके द्वारा या उसके नियमित पट्टे पर लिए गए या अधिगृहीत सरकारी स्थानों की बाबत उक्त अधिनियम द्वारा या उसके अधीन सम्पदा अधिकारी को प्रदत्त शक्तियों का प्रयोग और अधिरोपित कर्तव्यों का पालन करें।

सारणी

अधिकारी का पदनाम	स्थानीय सीमाएं
१	२
१. अपर जिला मजिस्ट्रेट, पोर्ट ब्लेयर	पार्टनेयर नगरपालिका थोक

MINISTRY OF HOME AFFAIRS

New Delhi, the 28th March, 1981

S.O 1133.—In exercise of the powers conferred by section 3 of the Public Premises (Eviction of Unauthorised Occupants) Act, 1971 (40 of 1971) and in supersession of the notification of the Government of India in the Ministry of Home Affairs No S.O. 1937 dated the 14th July, 1980, the Central Government hereby appoints the officers mentioned in column (1) of the Table below, being Gazetted Officers of the Government, to be estate officers for the purpose of the said Act, who shall exercise the powers conferred and perform duties imposed on an estate officer by or under the said Act in respect of the public premises comprising of residential and non-residential buildings belonging to or taken on lease or requisitioned by and on behalf of the Administration of the Andaman and Nicobar Islands and situated "within the local limits specified in column (2) of the said Table.

TABLE

Designation of Officer	Local Limits
1	2
I. Additional District Magis. Port Blair Municipal Area	
trate, Port Blair	
2. Assistant Commissioner, South Andaman Sub-Division	
South Andaman, Port Blair, excluding Port Blair Municipal	
Area	
3 Deputy Education officer, Rangat Tahsil	
Rangat.	
4. Assistant Commissioner, Mayabunder Sub-Division Excluding Rangat & Diglipur	
Tahsil.	
5 Block Development officer Diglipur Tahsil	
Diglipur	
6. Assistant Engineer of Little Andaman	
Andaman P.W.D.	
7. Deputy Commissioner, Ni-	
cobar District, Car Nicobar	
bar.	
8. Assistant Commissioner, Nancowrie sub-Division	
Nancowrie.	
9 Assistant Commissioner Campbell Bay	
Campbell Bay.	

[No. U. 14016/4/80-ANL
R. V. PILLAI, Joint Secy

(कार्मिक और प्रशासनिक सुधार विभाग)

नई दिल्ली, 23 मार्च, 1981

का०आ० 1134.—राज्यपति, सविधान के अनुच्छेद 309 के परन्तुक और अनुच्छेद 148 के खड़ (5) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए और भारतीय लेखा परीक्षा और लेखा विभाग में सेवा कर रहे व्यक्तियों के सबध में नियतक महालेखा परीक्षक में परामर्श करने के पश्चात् निम्नलिखित नियम बनाने हैं, अधीत् :—

अध्याय-1

प्रारंभिक

1 संक्षिप्त नाम और प्रारंभ—(1) इन नियमों का संक्षिप्त नाम केन्द्रीय सिविल सेवा (पेशन सराणीकरण) नियम, 1981 है।

(2) ये 1 जुलाई, 1981 को प्रवृत्त होंगे।

2 नागू होना—ये नियम ऐसे सरकारी सेवकों वां लागू होंगे जो केन्द्रीय सिविल सेवा (पेशन) नियम, 1972

क अध्याय 5 में निर्विष्ट पेशन के किसी वर्ग के लिए हक्कार हो सकते हैं या प्राधिकृत किए जा सकते हैं।

3. परिभाषा—(1) इन नियमों में जब तक नि. सदर्म से अन्यथा अभेदित न हो --

- (क) "लेखा प्राधिकारी" से ऐसा प्राधिकारी, उसका पदनाम चाहे जो भी हो, अभिप्रेत है जो केन्द्रीय सरकार या सघ राज्य क्षेत्र के किसी मन्त्रालय, विभाग या कार्यालय का लेखा रखता है और इसके अन्तर्गत ऐसा महालेखाकार भी है जिसे केन्द्रीय सरकार या सघ राज्य क्षेत्र वा लेखा या लेखा का बौर्ड भाग रखने का काल्य सौपा गया है,
- (ख) "आवेदक" से ऐसा सरकारी सेवक, जिसके अन्तर्गत सेवानिवृत्त सरकारी सेवक भी है, अभिप्रेत है जो विहित प्रस्तुप में पेशन के किसी भाग के सराणीकरण के लिए आवेदन करता है,
- (ग) "मुख्य प्रशासनिक चिकित्सा प्राधिकारी" से इन नियमों से सलग उपाधन्य में यथाविनिर्दिष्ट किसी राज्य या सघ राज्य क्षेत्र का चिकित्सा प्राधिकारी अभिप्रेत है,
- (घ) "मृत्यु तथा सेवानिवृत्ति उपदान" में पेशन नियम के नियम 50 के उपनियम (1) के अधीन सदैह उपदान अभिप्रेत है;
- (इ) "मक्तिरक प्राधिकारी" से अभिप्रेत है—
 - (1) किसी राष्ट्रीयकृत बैंक की शाखा, या
 - (2) खजाना जिसके अन्तर्गत उपखजाना भी है, या
 - (3) लेखा प्राधिकारी,
 जहा से आवेदक पेशन नियम के अधीन प्राधिकृत, पेशन प्राप्त कर रहा है,
- (ज) "प्रस्तुप" से इन नियमों से सलग "प्रस्तुप" अभिप्रेत है,
- (झ) "सरकार" से केन्द्रीय सरकार अभिप्रेत है,
- (झ) "कार्यालय-अध्यक्ष" से पेशन नियम के नियम 3 के उपनियम (1) के खड़ (ঠ) में निर्विष्ट राजपत्रित प्राधिकारी अभिप्रेत है,
- (ঝ) "चिकित्सा प्राधिकारी" से नियम 22 में निर्विष्ट चिकित्सा प्राधिकारी अभिप्रेत है,
- (ঝ) "पेशन" में पेशन नियम के अध्याय 5 में निर्विष्ट किसी वर्ग की पेशन अभिप्रेत है जिसके अन्तर्गत अनुकूल भत्ता भी है, किन्तु इसके अन्तर्गत अतिरिक्त पेशन और सरकार द्वारा किसी पेशन-भोगी को उच्चतर निवाह-व्यय के लिए प्रतिकर के रूप में प्रानुदत्त रकम, उसका नाम चाहे जो भी हो, सम्मिलित नहीं है;

- (ट) "पेंशन नियम" से केन्द्रीय सिविल सेवा (पेंशन) नियम, 1972 अधिनियम है;
- (छ) "अनन्तिम पेंशन" से पेंशन नियम के, यथास्थिति नियम 64 या नियम 69 में निर्दिष्ट पेंशन अधिनियम है;
- (झ) "सारणी" से इन नियमों से संलग्न सारणी अधिनियम है।

(2) उन शब्दों और पदों के, जो इन नियमों में प्रयुक्त हैं किन्तु परिभासित नहीं हैं, वहों अर्थ होंगे जो उनके पेंशन नियम में हैं।

अध्याय-2

साधारण शास्त्र

4. पेंशन-संराशीकरण पर निर्बन्धनः—कोई भी सरकारी सेवक, जिसके विरुद्ध पेंशन नियम के नियम 9 में यथानिर्दिष्ट विभागीय या न्यायिक कार्यवाहिया, उसकी सेवानिवृत्ति की तारीख से पूर्व संस्थित की गई है या ऐसा पेंशन भाँगी जिसके विरुद्ध ऐसी कार्यवाहियां उसकी सेवानिवृत्ति की तारीख के पश्चात् मंस्थित की गई हैं, ऐसी कार्यवाहियों के संबित रहने के दौरान, यथास्थिति, पेंशन नियम के नियम 69 के अधीन प्राधीन प्राधिकृत अपनी अनन्तिम पेंशन या पेंशन के किसी भाग को संराशीकृत कराने का पात्र नहीं होगा।

5. पेंशन संराशीकरण की सीमा:—(1) कोई सरकारी सेवक अपनी पेंशन के अधिक से अधिक एक तिहाई भाग को एकमुश्त संदाय के लिए संराशीकृत कराने का हकदार होगा।

(2) आवेदक, यथास्थिति, प्रृष्ठ 1 या प्रृष्ठ 2 में संराशीकरण के लिए आवेदन में पेंशन का वह भाग उपदिर्शित करेगा जिसे वह संराशीकृत कराना आहता है और या तो पेंशन के एक तिहाई की अधिकतम सीमा या ऐसी निम्नतर सीमा जिस तक वह संराशीकृत कराना चाहता है, उपदर्शित करेगा।

(3) यदि संराशीकृत की जाने वाली पेंशन का भाग रूपए के किसी भाग में आता है तो संराशीकरण के प्रयोजन के लिए रूपए के किसी भाग को छोड़ दिया जाएगा।

6. पेंशन संराशीकरण का आत्यांतिक हो जाना.—(1) पेंशन संराशीकरण,

(i) नियम 13 के उपनियम (2) में निर्दिष्ट आवेदक की दशा में, उस तारीख को आत्यांतिक हो जाएगा जिस तारीख को प्रृष्ठ 1 में आवेदन कार्यालय अध्यक्ष द्वारा प्राप्त किया जाता है;

(ii) अध्याय 4 में निर्दिष्ट आवेदक की दशा में, उस तारीख को आत्यांतिक हो जाएगा जिस तारीख को चिकित्सा-प्रियोरिटी पर हस्ताक्षर करता है;

परन्तु—

(क) ऐसे आवेदक की दशा में जो किसी खजाना या लेखा अधिकारी से अपनी पेंशन ले रहा है, संराशी-

करण मद्दे पेंशन की रकम में कमी, पेंशन का संराशीकृत मूल्य प्राप्त होने की तारीख से या पेंशन के संराशीकृत मूल्य के संदाय के लिए लेखा अधिकारी द्वारा प्राधिकारपत्र जारी किए जाने के पश्चात् तीन मास के अन्त में, इनमें जो भी पूर्वतर हो, प्रवर्तित होगी; और

(ख) ऐसे आवेदक की दशा में, जो राष्ट्रीयकृत बैंक की किसी शाखा से अपनी पेंशन ले रहा है, संराशीकरण मद्दे पेंशन की रकम में कमी, उस तारीख से, जिस तारीख को पेंशन का संराशीकृत मूल्य बैंक द्वारा आवेदक के उस खाते में जमा किया जाता है जिसमें पेंशन जमा की जा रही है, प्रवर्तित होगी।

(2) नियम 9 या नियम 10 में निर्दिष्ट किसी आवेदक को दशा में, संराशीकृत मूल्य का संदाय दो प्रक्रमों में किया जाता है। पेंशन की रकम में कमी, उपनियम (1) के परन्तुके खंड (क) या खंड (ख) में यथा अधिकारित क्रमसः संदाय की तारीखों से की जाएगी।

(3) उम तारीख की, जिस तारीख को आवेदक को पेंशन के संराशीकृत मूल्य का संदाय किया गया था या आवेदक के खाते में संराशीकृत मूल्य जमा किया गया था, प्रविष्ट, संवितरक प्राधिकारी द्वारा उस लेखा अधिकारी को, जिसने पेंशन के संराशीकृत मूल्य के संदाय के लिए प्राधिकृत किया था, संसूचना देते हुए, पेंशन संदाय आदेश के दोनों प्रभागों में की जाएगी।

7. संराशीकृत मूल्य प्राप्त करने से पूर्व आवेदक की मृत्यु:—यदि उस तारीख को या उसके पश्चात् जिसको संराशीकरण आत्यंतिक हो जाता है, संराशीकृत मूल्य प्राप्त किए बिना आवेदक की मृत्यु हो जाती है तो संराशीकृत मूल्य का संदाय उसके वारिसों को किया जाएगा।

8. पेंशन के संराशीकृत मूल्य की गणना:—किसी आवेदक को संदेय एकमुश्त रकम की गणना, समय-समय पर विहित और आवेदक को उस तारीख को, जिस तारीख को संराशीकरण आत्यंतिक हो जाता है, लागू मूल्यों की सारणी के अनुमार की जाएगी।

9. अनन्तिम पेंशन का संराशीकरण:—(1) कोई सरकारी सेवक, जिसे अनन्तिम पेंशन का निर्धारण लम्बित रहते तक पेंशन नियम के नियम 64 के अधीन अनन्तिम पेंशन मंजूर की गई है, नियम 5 में निर्दिष्ट सीमा के अधीन रहते हुए ऐसी अनन्तिम पेंशन के भाग को संराशीकृत कराने का पात्र होगा।

(2) अनन्तिम पेंशन के संराशीकरण के प्रयोजन के लिए, यथास्थिति अध्याय 3 या अध्याय 4 के उपबन्ध लागू होंगे।

(3) इस उपनियम के उपबन्ध ऐसे आवेदक को लागू होंगे जो अनन्तिम पेंशन के संराशीकरण के प्रयोजन के लिए इन नियमों के अध्याय 4 द्वारा शासित हैं।

(i) जहाँ कोई आवेदक अपनी अनन्तिम पेंशन के ऐसे भाग को संराशीकृत कराने का इच्छुक है जो एक सौ रुपए प्रतिमास से अधिक नहीं है और जिसके मामले में यह आशय है कि वह रकम जो वह तब संराशीकृत कराने का हकदार होता जब उसको अंतिम पेंशन की रकम प्राधिकृत कर दी जाती, और वह एक सौ रुपए प्रतिमास से अधिक होती वहाँ उसका आवेदन, नियम 22 के प्रयोजन के लिए एक सौ रुपए प्रतिमास से अधिक रकम के संराशीकरण के लिए, किया गया आवेदन समझा जाएगा।

(ii) (क) जहाँ आवेदक, उसे देय अंतिम पेंशन के अवधारण पर एक सौ रुपए प्रतिमास से अधिक पेंशन के संराशीकरण के अपने हक की संभाव्यता को उपदर्शित नहीं करता है, वहाँ ऐसा माना जाएगा कि उसने अधिक से अधिक एक सौ रुपए प्रतिमास पेंशन के संराशीकरण के लिए आवेदन किया है।

(ख) यदि आवेदक, अंतिम पेंशन के अवधारण पर, एक सौ रुपए प्रतिमास तक अपनी पेंशन संराशीकृत कराने का हकदार हो जाता है तो उससे मूलतर संराशीकृत पेंशन के और पश्चात्कर्ता संराशीकृत पेंशन के संराशीकृत मूल्य के अन्तर के संदाय के लिए चिकित्सीय परीक्षा कराने की अपेक्षा नहीं की जाएगी।

(ग) यदि आवेदक, अंतिम पेंशन के अवधारण पर, एक सौ रुपए से अधिक की रकम को संराशीकृत कराने का हकदार हो जाता है तो उससे एक सौ रुपए से अधिक पेंशन के संराशीकरण के लिए प्ररूप 2 में नए सिरे से आवेदन करने करने की अपेक्षा की जाएगी।

10. अंतिम पेंशन का भूतलक्षी पुनरीक्षण।—ऐसे आवेदक को, जिसने अपनी अंतिम पेंशन के किसी भाग को संराशीकृत कराया है और संराशीकरण के पश्चात् उसकी पेंशन किसी सरकारी विनियोग के परिणामस्वरूप पुनरीक्षित की गई है और भूतलक्षी प्रभाव से बढ़ा की गई है, बढ़ी हुई पेंशन के प्रति निर्देश से अवधारित संराशीकृत मूल्य और पहले से प्राधिकृत संराशीकृत मूल्य के अन्तर का सदाय किया जाएगा। अन्तर के संदाय के लिए आवेदक से नए मिरे से आवेदन करने की अपेक्षा नहीं की जाएगी।

परन्तु ऐसे आवेदक की दशा में जिसने किसी सिविल सर्जन या किसी जिला चिकित्सा अधिकारी द्वारा आरोग्य घोषित किए जाने के पश्चात् अपनी मूल पेंशन के ऐसे भाग को, जो अधिक से अधिक सौ रुपए है, संराशीकृत कराया है और जो पेंशन की भूतलक्षी प्रभाव से बढ़ि के परिणामस्वरूप एक सौ रुपए प्रतिमास से अधिक की रकम को संराशीकृत कराने का पात्र हो जाता है, उसे एक सौ रुपए प्रतिमास के संराशीकृत मूल्य और मूल पेंशन के भाग के संराशीकृत मूल्य के अन्तर का सदाय, स्वास्थ्य की पुनः परीक्षा कराए बिना,

अनुज्ञात किया जाएगा। एक सी रूपां प्रतिमास आगे किसी और रकम का संराशीकरण नथा संराशीकरण माना जाएगा और चिकित्सा बोर्ड द्वारा परीक्षा के अधीन रहते हुए अनुज्ञात किया जाएगा।

अध्याय 3

स्वास्थ्य परीक्षा के बिना पेंशन संराशीकरण

11. विस्तारः—इस अध्याय के उपबन्ध ऐसे आवेदक को लागू होंगे जो स्वास्थ्य परीक्षा के बिना अपनी पेंशन के किसी भाग को संराशीकृत कराने का पात्र है।

12. पात्रता:—ऐसा आवेदक, जो निम्नलिखित के लिए प्राधिकृत है:—

- (i) पेंशन नियम के नियम 35 के अधीन अधिविधित पेंशन, या
- (ii) पेंशन नियम के नियम 36 के अधीन भेदा निवृत्ति पेंशन; या
- (iii) पेंशन नियम के नियम 37 के निबन्धनों के अनुसार किसी निगम या कम्पनी या निकाय में या उसके अधीन आमेलन पर पेंशन और जो मासिक पेंशन और मूल्य नथा भेदा निवृत्ति उपदान प्राप्त करने का विकल्प देता है; या
- (iv) किसी स्थायी पद के उत्सादन पर पेंशन नियम के नियम 39 के अधीन प्रतिकर पेंशन; या
- (v) पेंशन नियम के नियम 9 में निर्दिष्ट विभागीय या न्यायिक कार्यवाही की समाप्ति और उन पर अंतिम आदेश जारी किए जाने पर पूर्ण या भाग रूप में कोई पेंशन;

नियम 5 में की सीमा के अधीन रहते हुए, स्वास्थ्य परीक्षा के बिना अपनी पेंशन के किसी भाग को संराशीकृत कराने का पात्र होगा:

परन्तु यह तब जब कि वह नियम 13 के उपबन्धों के अनुसार प्ररूप 1 में पेंशन के संराशीकरण के लिए आवेदन करता है।

टिप्पणः—खंड (i), खंड (ii) और खंड (iv) में निर्दिष्ट पेंशन के अन्तर्गत पेंशन नियम के नियम 64 के अधीन मजूर की गई अनन्तिम पेंशन भी है।

13. पेंशन संराशीकरण के लिए आवेदन.—(1) कार्ड आवेदक जो नियम 12 में निर्दिष्ट कोई पेंशन पा रहा है और अपनी सेवानिवृत्ति की तारीख के पश्चात् किन्तु सेवानिवृत्ति की तारीख में एक वर्ष की समाप्ति के पूर्व किसी भी समय उस पेंशन के किसी भाग को संराशीकृत करना चाहना है, —

- (क) अपनी सेवानिवृत्ति की तारीख के पश्चात् कार्यालय अध्यक्ष को प्ररूप 1 में आवेदन करेगा
- (ख) यह सुनिश्चित करेगा कि प्ररूप 1 में सम्यक रूप से पूरा किया गया आवेदन, कार्यालय अध्यक्ष

को यथासंभवशीघ्र किन्तु अपनी सेवानिवृत्ति की तारीख से अधिक से अधिक एक वर्ष के भीतर परिवर्त्त किया जाता है :

परन्तु—

- (क) नियम 12 के खंड (iii) में निर्दिष्ट किसी आवेदक की दशा में, जहाँ सरकारी नेवा से उसे निवृत्त करने का आदेश भूतलक्षी तारीख से जारी किया गया था, इस उपनियम में निर्दिष्ट एक वर्ष की अवधि की गणना सेवानिवृत्ति आदेश जारी किए जाने की तारीख से की जाएगी ;
- (ख) नियम 12 के खंड (iv) में निर्दिष्ट किसी आवेदक की दशा में, इस उपनियम में निर्दिष्ट एक वर्ष की अवधि की गणना, विभागीय या न्यायिक कार्यवाही समाप्त होने के परिणामस्वरूप जारी किए गए आवेदों की तारीख से की जाएगी ।

(2) ऐसा आवेदक, जो अपनी सेवा निवृत्ति की तारीख से एक वर्ष की अवधि के भीतर पेशन के संराशीकरण के लिए प्ररूप 1 में आवेदन करता है किन्तु कार्यालय अध्यक्ष को वह आवेदन उसकी सेवानिवृत्ति की तारीख से एक वर्ष के पश्चात् प्राप्त होता है, स्वास्थ्य परीक्षा के बिना अपनी पेशन संराशीकृत कराने का पात्र नहीं होगा । ऐसा आवेदक, यदि वह अपनी पेशन का भाग संराशीकृत कराना चाहता है तो वह अध्याय 4 में अधिकारित प्रक्रिया के अनुसार प्ररूप 2 में नए तिरे से आवेदन करेगा ।

14. पेशन के संराशीकरण के लिए आवेदन पर कार्यालय अध्यक्ष द्वारा की जाने वाली कार्रवाईः—(1) कार्यालय अध्यक्ष नियम 13 के उपनियम (1) के अधीन प्ररूप 1 में आवेदन प्राप्त होने परः—

- (क) प्ररूप पर उसकी प्राप्ति की तारीख उपर्याप्त करते हुए आचारकर करेगा;
- (ख) उस प्ररूप के भाग 2 में प्ररूप 1 की प्राप्ति तुरन्त स्वीकार करेगा और उसे आवेदक को प्रेषित करेगा;
- (ग) प्ररूप 1 के भाग 3 को पूरा करने के लिए तुरंत कार्रवाई करेगा और अपने अभिलेख के लिए एक प्रति रखकर उसे लेखा अधिकारी को अग्रेषित करेगा ।

(2) यदि कार्यालय अध्यक्ष को नियम 13 के उपनियम (1) के अधीन प्ररूप 1 में आवेदन आवेदक की सेवानिवृत्ति की तारीख के एक वर्ष के पश्चात् प्राप्त होता है तो उस दशा में, कार्यालय अध्यक्ष आवेदक को सूचना देगाः—

- (क) कि वह स्वास्थ्य परीक्षा के बिना अपनी पेशन के भाग को संराशीकृत कराने का पात्र नहीं होगा ;
- (ख) यदि वह अपनी पेशन के किसी भाग को संराशीकृत कराना चाहता है तो उसे नए तिरे से प्ररूप 2 में आवेदन करना चाहें ताकि अध्याय 4 में अधिकारित प्रक्रिया को अनुसार उसकी स्वास्थ्य परीक्षा के लिए व्यवस्था की जाए ।

15. लेखा अधिकारी द्वारा संराशीकृत मूल्य का प्राधिकरणः—(1) लेखा अधिकारी, कार्यालय अध्यक्ष से प्ररूप 1 के प्राप्त होने पर, यह सत्यापित करेगा किः—

- (क) कार्यालय अध्यक्ष द्वारा प्ररूप 1 के भाग 3 में दी गई सूचना सही है;
- (ख) आवेदक स्वास्थ्य परीक्षा के बिना अपनी पेशन के किसी भाग को संराशीकृत कराने का पात्र है;
- (ग) कार्यालय अध्यक्ष द्वारा पेशन का संराशीकृत मूल्य ठीक-ठीक अवधारित किया गया है ।
- (2) लेखा अधिकारी प्ररूप 1 में दी गई जानकारी का आवश्यक सत्यापन करने के पश्चातः—
- (क) संबद्ध संवितरक अधिकारी को पेशन के संराशीकृत मूल्य का संदाय करने के लिए प्राधिकारपत्र जारी करेगा ।
- (ख) संबद्ध संवितरक अधिकारी का व्याप्त नियम 6 के उपनियम (1) के परन्तुक की ओर आकर्षित कराएगा जिससे कि संवितरक अधिकारी पेशन संदाय आवेदन में उस तारीख की बाबत, जिस तारीख को पेशन के संराशीकृत भाग मध्ये पेशन की रकम कम कर दी जाती है, प्रविष्ट कर सकेगा ।
- (ग) खंड (क) में निर्दिष्ट प्राधिकारपत्र की एक प्रति आवेदक को इस अनुदेश के साथ पुष्टांकित करेगा कि उसे संवितरक अधिकारी से अपनी पेशन के संराशीकृत भाग की रकम सगूहीत कर लेनी चाहिए ।

16. अनन्तिम पेशन के भाग के संराशीकृत मूल्य का प्राधिकरणः—(1) यदि अनन्तिम पेशन का अवधारण लम्बित रहते हुए, कार्यालय अध्यक्ष ने किसी सरकारी सेवक को पेशन नियम 64 के अधीन अनन्तिम पेशन मंजूर की है और सरकारी सेवक ने नियम 9 के उपबन्धों के अनुसार प्ररूप 1 में अनन्तिम पेशन के संराशीकरण के लिए आवेदन किया है तो, कार्यालय अध्यक्ष प्ररूप 1 प्राप्त होने पर—

- (क) नियम 14 के उपनियम (1) में जैसा उपयन्धित है उसके अनुसार कार्रवाई करेगा और प्ररूप 1 और पेशन नियम के नियम 61 में निर्दिष्ट सम्यक रूप से पूरे किए गए पेशन कागजपत्रों के साथ-साथ, उस दशा में लेखा अधिकारी को अग्रेषित करेगा जब पेशन कागजपत्र लेखा अधिकारी को पहले ही अग्रेषित नहीं किए गए हैं ;
- (ख) लेखा अधिकारी से अनन्तिम पेशन की रकम और प्ररूप 1 के भाग 3 में यथा अवधारित अनन्तिम पेशन के भाग के संराशीकृत मूल्य की रकम की घुद्दता सत्यापित करने के लिए अनुरोध करेगा ।

(2) लेखा अधिकारी उपनियम (1) के अधीन प्ररूप 1 के प्राप्त होने पर अनन्तिम पेंशन की रकम की शुद्धता सत्यापित करेगा और नियम 15 के उपनियम (1) में जैसा उपबन्धित है उसके अनुसार और भी सत्यापन करेगा।

(3) लेखा अधिकारी, अनन्तिम पेंशन की रकम और संराशीकृत मूल्य की रकम का आवश्यक सत्यापन करने के पश्चात्—

(क) कार्यालय अध्यक्ष को पेंशन के संराशीकृत मूल्य के संदाय के लिए इस टिप्पणी के साथ प्राधिकारपत्र जारी करेगा, कि संराशीकृत मूल्य निकाला जाए और उसे सूचना देने के अधीन रहते आवेदक को संवितरित कर दिया जाए;

(ख) कार्यालय अध्यक्ष का ध्यान नियम 6 के उपनियम (1) के परन्तुक की ओर आकर्पित कराएगा जिससे कि कार्यालय अध्यक्ष के अनुसार संराशीकरण की रकम मढ़े अनन्तिम पेंशन की रकम में कमी कर सके; और

(ग) अंड (क) में निर्दिष्ट प्राधिकारपत्र की एक प्रति आवेदक को इस अनुदेश के साथ पूछांकित करेगा कि उसे उस विषय में कार्यालय अध्यक्ष को लिखना चाहिए।

(4) कार्यालय अध्यक्ष, लेखा अधिकारी से उप-नियम (3) के अधीन, प्राधिकरण प्राप्त होने पर पेंशन के संराशीकृत मूल्य की रकम निकालेगा और लेखा अधिकारी को सूचना देते हुए वह रकम आवेदक को संवितरित करेगा।

(5) (क) लेखा अधिकारी, पेंशन के अन्तिम निर्धारण पर,—

(क) इस प्रकार अवधारित संराशीकृत मूल्य और कार्यालय अध्यक्ष द्वारा पहले ही संदत्त संराशीकृत मूल्य के अन्तर के संदाय के लिए संवितरित अधिकारी का प्राधिकारपत्र जारी करेगा;

(ख) कार्यालय अध्यक्ष द्वारा अनन्तिम पेंशन का संदाय बन्द करने पर जारी किए जाने वाले पेंशन संदाय अनुदेश में, कार्यालय अध्यक्ष द्वारा अनन्तिम पेंशन के संराशीकृत मूल्य के संदाय के तथ्य की प्रविष्टि करेगा और वह तारीख भी उपर्याप्त करेगा जिस तारीख से अवधिकृत पेंशन का संदाय चालू होगा।

अध्याय 4

स्वास्थ्य परीक्षा के पश्चात पेंशन संराशीकरण

17. विस्तार:—इस अध्याय के उपबन्ध ऐसे आवेदन को लागू होंगे जो स्वास्थ्य परीक्षा के पश्चात् अपनी पेंशन के किसी भाग का संराशीकृत करने का पात्र है।

18. पत्रता:—वह आवेदक—

(1) जो पेंशन नियम के नियम 38 के अधीन कृत्तु पेंशन पर सेवानिवृत्त होता है; या

(2) जो किसी निगम या कम्पनी या निगमित या अनिवार्यता निकाय में या उसके अधीन आमेलन पर, पेंशन नियम के नियम 37 के निवन्धनों के अनुसार पेंशन के बदले, आयु सत्या सेवा निष्पत्ति उपदान और एक मुश्त रकम प्राप्त करने के अनुकृत्य का विकल्प देता है; या

(3) जो शास्ति स्वरूप अनिवार्यता: सेवानिवृत्त कर दिया जाता है और पेंशन नियम के नियम 40 के अधीन पेंशन दी जाती है; या

(4) जो पेंशन नियम के नियम 41 के अधीन अनुकृत्य भसा पा रहा है;

(5) जो नियम 12 में निर्दिष्ट किसी पेंशन पर सेवानिवृत्त हुआ है किन्तु संराशीकरण के लिए जिसका आवेदन कार्यालय अध्यक्ष द्वारा उसकी सेवानिवृत्ति के एक वर्ष के भीतर प्राप्त नहीं हुआ है;

समुचित चिकित्सा प्राधिकारी द्वारा आरोग्य घोषित किए जाने के पश्चात् नियम 5 में विनिर्दिष्ट सीमा के अधीन

19. पेंशन के संराशीकरण के लिए आवेदन:—अनियम 18 में निर्दिष्ट आवेदन, अपनी पेंशन के, जिसके अन्तर्गत पेंशन नियम के नियम 64 के अधीन मंजूर की गई अनन्तिम पेंशन भी है, किसी भाग के संराशीकरण के लिए कार्यालय अध्यक्ष का प्ररूप 2 में आवेदन करेगा।

20. पेंशन संराशीकरण के लिए आवेदन पर कार्यालय अध्यक्ष द्वारा की जाने वाली कार्रवाई—(1) कार्यालय अध्यक्ष, नियम 19 के अधीन प्ररूप 2 के भाग 1 में आवेदन प्राप्त होने पर,—

(क) प्ररूप 2 की प्राप्ति उस प्ररूप के भाग 2 में तुरन्त स्वीकार करेगा और उसे आवेदक को विप्रेषित करेगा;

(ख) प्ररूप 2 को मूल रूप में उस प्ररूप के भाग 3 में लेखा अधिकारी को इस अनुरोध के साथ अप्रेषित करेगा कि उस प्ररूप का भाग 4 तुरन्त पूरा किया जाए और यथासंभवशीघ्र उसके पास वापस भेजा जाए जिससे कि ममुचित चिकित्सा प्राधिकारी द्वारा आवेदक की परीक्षा करने की कार्रवाई की जा सके।

(2) लेखा अधिकारी, उपनियम (1) के अधीन कार्यालय अध्यक्ष से प्ररूप 2 के प्राप्त होने पर उस प्ररूप के भाग 4 को पूरा करेगा और यथासंभवशीघ्र कार्यालय अध्यक्ष को संप्रेषित करेगा।

(3) कार्यालय अध्यक्ष, उपनियम (2) के अधीन, लेखा कार्यालय से प्ररूप 2 के प्राप्त होने पर उपावन्ध में यथाविनिविष्ट राज्य या संघराज्यक्षेत्र के, जहाँ आवेदक अपनी

स्वास्थ्य परीक्षा कराना चाहता है, मुख्य प्रशासनिक चिकित्सा प्राधिकारी को प्रस्तुप 3 में पत्र लिखेगा और उसे निम्नलिखित दस्तावेज अग्रेषित करेगा,—

- (i) प्रस्तुप 2, उम प्रस्तुप के भाग 4 को सम्पूर्ण रूप में पूरा करेगा, मूल रूप में;
 - (ii) आवेदक के फोटो की दो प्रतियां जिसमें में एक अनुप्रमाणित प्रति होगी।
 - (iii) प्रस्तुप 4 की एक प्रति उस प्रस्तुप के भाग 3 की अतिरिक्त प्रति सहित;
 - (iv) आवेदक के मामले की रिपोर्ट या उमका विवरण, यदि उसे अशब्दत पेंशन दी गई है या उसने अपनी पेंशन के एक भाग को नस्तूर्वं संराशीकृत कराया है या अपनी वास्तविक आयु में वर्षों के योग के आधार पर मंराशीकरण स्वीकार करने से इंकार किया है या उसे अस्वस्थता के आधार पर संराशीकरण से इकार किया गया है।
- (4) कार्यालय अध्यक्ष, प्रस्तुप 3 में, मुख्य प्रशासनिक चिकित्सा प्राधिकारी को संबोधित पत्र की एक एक प्रति आवेदक को और लेखा प्राधिकारी को पृष्ठांकित करेगा।

21. मुख्य प्रशासनिक चिकित्सा प्राधिकारी द्वारा की जाने वाली कार्बवाईः—(1) मुख्य प्रशासनिक चिकित्सा प्राधिकारी, नियम 20 के उपनियम (3) में निर्दिष्ट दस्तावेजों के प्राप्त होने पर,—

- (अ) प्रस्तुप 2 में आवेदक द्वारा उपदर्शित निकटतम उपलभ्य स्टेशन पर चिकित्सा प्राधिकारी द्वारा आवेदक की स्वास्थ्य परीक्षा के लिए यथासंभव-शीघ्र व्यवस्था करेगा,
- (ब) नियम 20 के उपनियम (3) में निर्दिष्ट दस्तावेजों चिकित्सा प्राधिकारी को इम निदेश के माथ सप्रेषित करेगा कि आवेदक की नियम 25 में यथा उपबन्धित परीक्षा की जाए;
- (ग) आवेदक को सूचित करेगा कि उसे कहाँ और कब स्वास्थ्य परीक्षा के लिए उपस्थित होना है या यदि आवश्यक है तो चिकित्सा प्राधिकारी को यह निदेश देगा कि यह आवेदक को ऐसी परीक्षा की तारीख और समय संसूचित करे।

(2) स्वास्थ्य परीक्षा की तारीख नियत करने में, यह सुनिश्चित किया जाएगा कि स्वास्थ्य परीक्षा जहाँ तक सम्भव हो आवेदक के अगले जन्म दिन की तारीख के पूर्व हो जाती है।

22. चिकित्सा प्राधिकारी :—(1) उप-नियम (2) में जैसा अन्यथा उपवन्धित है उसके सिवाय, चिकित्सा प्राधिकारी चिकित्सा बोडे होगा जहाँ पेंशन संराशीकरण के लिए कोई आवेदक,—

- (क) अशक्त पेंशन का संराशीकरण कराना चाहता है, या

(ल) यणन पेंशन गे भिन्न पेंशन संराशीकरण कराना चाहता है किन्तु संराशीकृत की जाने वाली पेंशन की रकम एक मी ४४ प्रतिमास से अधिक नहीं हो जाती है, या

(ग) अस्वस्था के आधार पर संराशीकरण में इन्कार कर दिया गया है या यदि उसने चिकित्सा प्राधिकारी द्वारा मिफारिश किए जाने पर अपनी वास्तविक आयु में वर्षों के योग के आधार पर साराशीकरण स्वीकार करने में एक बार इंकार कर दिया है और नियम 26 या नियम 27 के उपबन्धों के अनुमार द्वितीय स्वास्थ्य परीक्षा के लिए आवेदन किया है।

(2) किसी अन्य मामले में, जो उपनियम (1) के अन्तर्गत नहीं आता है चिकित्सा प्राधिकारी ऐसा चिकित्सा प्राधिकारी होगा जो सिविल सर्जन या जिला चिकित्सा प्राधिकारी से कम प्रासिथि का नहीं है।

23. स्वास्थ्य परीक्षा की फीम का आवेदक द्वारा वहन किया जाएः—आवेदक से ऐसी स्वास्थ्य परीक्षा फीम के मंदाय के लिए अपेक्षा की जाएगी जो केन्द्रीय सरकार विनियिष्ट करे।

24. चिकित्सा प्राधिकारी के समक्ष उपस्थित होने में असफलता :—(1) यदि आवेदक नियम 21 के उपनियम (1) के खण्ड (ग) में निर्दिष्ट मुख्य प्रशासनिक चिकित्सा प्राधिकारी या चिकित्सा प्राधिकारी से संसूचित तारीख और समय पर (इसके अन्तर्गत या तो आवेदक के अनुरोध पर या प्रशासनिक कारणों से हुए परिवर्तन भी है) स्वास्थ्य परीक्षा के लिए उपस्थित होने में असफल रहता है और उसके असफल होने के लिए युनिक्युट आधार नहीं है तो चिकित्सा प्राधिकारी सम्बद्ध कार्यालय अध्यक्ष को तथ्यों की रिपोर्ट भेजेगा और नियम 21 के उपनियम (1) के खण्ड (य) के अधीन उसे प्राप्त दस्तावेज उसको वापस भेज देगा।

(2) कार्यालय अध्यक्ष के उपनियम (1) के अधीन दस्तावेज वापस करने के साथ, सराशीकरण के लिए आवेदन को ऐसा माना जाएगा कि वह वापस ले लिया गया है।

25. स्वास्थ्य परीक्षा के लिए प्रक्रिया.—(1) चिकित्सा प्राधिकारी :—

- (क) आवेदक से प्रस्तुप 4 के भाग 1 में अपनी उपस्थिति में, आवेदक द्वारा सम्पूर्ण रूप में हस्ताक्षरित एक विवरण अभिप्राप्त करेगा;
- (ख) आवेदक की स्वास्थ्य परीक्षा करेगा और प्रस्तुप 4 के भाग 2 में उसके परिणाम की प्रविष्टि करेगा;
- (ग) आवेदक के फोटो की अनुप्रमाणित प्रति को अनुप्रमाणित करेगा;
- (घ) प्रस्तुप 4 के भाग 3 में अन्तर्विष्ट प्रमाणपत्र को पूरा करेगा :

परन्तु जहाँ :—

- (i) किसी आवेदक को अशक्त पेंशन दी गई है, या
- (ii) किसी आवेदक ने तत्पूर्व अपनी पेंशन के किसी भाग को मंराशीकृत कराया है, या
- (iii) किसी आवेदक ने अस्वस्थता के आधार पर सराशीकरण कराने से इन्कार कर दिया है, या
- (iv) किसी आवेदक ने अपनी वास्तविक आय में वर्षों की बढ़ि के आधार पर सराशीकरण स्वीकार कराने से इन्कार कर दिया था,

वहाँ चिकित्सा प्राधिकारी, प्ररूप 4 के भाग 3 में अन्तर्विष्ट प्रमाणपत्र को पूरा करने के पूर्व, आवेदक के स्वास्थ्य संबंधी मामले के विवरण को विचार में लेगा।

(2) चिकित्सा प्राधिकारी, उपनियम (1) की अपेक्षाओं का पालन करने के पश्चात् उस लेखा प्राधिकारी को जिसने प्ररूप 2 के भाग 4 को पहले ही पूरा कर लिया है, निम्नलिखित दस्तावेजों अविलम्ब अप्रेषित करेगा, अर्थात् :—

- (क) प्ररूप 2, मूलरूप में,
- (ख) आवेदक के फोटो की अनुप्रमाणित प्रति,
- (ग) प्ररूप 4, मूल रूप में, और
- (घ) कार्यालय अध्यक्ष को जिसने प्ररूप 2 के भाग 4 को प्रतिहस्तानाधिकृत किया है, प्ररूप 4 की एक प्रमाणित प्रति।

(3) चिकित्सा प्राधिकारी, प्ररूप 4 के भाग 3 की एक प्रमाणित प्रति, आवेदक को भी भेजेगा।

26 छिनीय स्वास्थ्य परीक्षा :—(1) नियम 27 के उपबन्धों के अधीनस्थ रहने द्वारा, नियम 22 के उपनियम (1) के खंड (ग) में निर्दिष्ट किसी आवेदक की दशा में, स्वास्थ्य परीक्षा प्रथम स्वास्थ्य परीक्षा की तारीख से कम से कम एक वर्ष की अवधि की समाप्ति के पश्चात् की जाएगी।

(2) यदि आवेदक उपनियम (1) में विनिर्दिष्ट अवधि की समाप्ति पर पुनः परीक्षा कराना चाहता है तो परीक्षा उसके खंडों पर चिकित्सा बोर्ड द्वारा की जाएगी। इस प्रयोजन के लिए वह कार्यालय अध्यक्ष को एक पत्र यह अनुरोध करते हुए लिखेगा कि चिकित्सा बोर्ड द्वारा उसकी पुनः परीक्षा के लिए अवस्था की जाए। वह पत्र में निम्नलिखित उपदर्शित करेगा—

- (i) वह चिकित्सा प्राधिकारी जिसने पहले उसकी स्वास्थ्य परीक्षा की थी और वह तारीख जिसको ऐसी परीक्षा हुई थी;
- (ii) वह स्थान, जहाँ उसकी स्वास्थ्य परीक्षा हुई थी;
- (iii) चिकित्सा प्राधिकारी की राय,

- (iv) जन्म की तारीख और सेवानिवृत्ति की तारीख,
- (v) सेवानिवृत्ति के समय धूत पद का पदनाम,
- (vi) प्राधिकृत पेंशन की रकम,
- (vii) पेंशन का भाग, जिसके मंराशीकरण के लिए मूलतः आवेदन किया गया था।

(3) कार्यालय अध्यक्ष, उपनियम (2) के अधीन पत्र के प्राप्त होने पर, किसी चिकित्सा बोर्ड द्वारा आवेदक की पुनः स्वास्थ्य परीक्षा की व्यवस्था करने के लिए मुख्य प्रशासनिक चिकित्सा प्राधिकारी को लिखेगा और ऐसे प्राधिकारी को निम्नलिखित दस्तावेजों अप्रेषित करेगा :—

- (i) आवेदक से प्राप्त पत्र, मूल रूप में,
- (ii) कार्यालय अध्यक्ष द्वारा नियम 25 के उपनियम (2) के खंड (घ) के अधीन चिकित्सा प्राधिकारी से तत्पूर्व प्राप्त प्ररूप 4 की प्रमाणित प्रति।

(4) मुख्य प्रशासनिक प्राधिकारी, उपनियम (3) के अधीन कार्यालय अध्यक्ष से संसूचना प्राप्त होने पर आवेदक को सूचित करेगा कि उसे कहाँ और कब चिकित्सा बोर्ड के समक्ष स्वास्थ्य परीक्षा के लिए उपस्थित होना है या यदि आवश्यक है तो चिकित्सा बोर्ड को निदेश देगा कि वह आवेदक को ऐसी परीक्षा का स्थान, तारीख और समय संसूचित करे।

(5) आवेदक, उपनियम (4) के अधीन संसूचना प्राप्त होने के पश्चात् उसे संसूचित स्थान और तारीख तथा समय पर चिकित्सा बोर्ड के समक्ष उपस्थित होगा।

(6) चिकित्सा बोर्ड आवेदक की स्वास्थ्य परीक्षा करेगा और यदि परीक्षा के पश्चात् उसका यह विचार है कि पूर्ववर्ती चिकित्सा प्राधिकारी की राय का संशोधन या उपात्तरण आवश्यक नहीं है या मंशोधन या उपात्तरण आवश्यक है तो वह प्रपत्ती राय अभिलिखित करेगा और आवेदक को सूचित करते हुए उसे कार्यालय अध्यक्ष की संसूचित करेगा। उपनियम (3) के अधीन चिकित्सा बोर्ड द्वारा प्राप्त दस्तावेजों भी कार्यालय अध्यक्ष को लौटा दी जाएंगी।

(7) यदि कार्यालय अध्यक्ष द्वारा उपनियम (6) के अधीन प्राप्त चिकित्सा बोर्ड की राय के परिणामस्वरूप, आवेदक मूलतः आवेदित पेंशन के किसी भाग को मंराशीकृत कराने का पात्र होता है तो कार्यालय अध्यक्ष उस तारीख को जिस तारीख को चिकित्सा बोर्ड ने अपनी गय अभिलिखित की है, लागू सारणी के प्रति निदेश में संराशीकृत मूल्य अवधारित करेगा। कार्यालय अध्यक्ष, तत्पश्चात्, लेख प्राधिकारी से संराशीकृत मूल्य के प्राधिकरण के लिए आगे कार्रवाई करने का अनुरोध करेगा और उसे निम्नलिखित दस्तावेजों भेजेगा :

- (i) उपनियम (2) के अधीन आवेदक से प्राप्त पत्र, मूल रूप में;
- (ii) उपनियम (6) के अधीन प्राप्त चिकित्सा बोर्ड की संशोधन या उपात्तरण राय, मूल रूप में;

(iii) चिकित्सा बोर्ड की संशोधित या उपान्तरित राय के प्रति निर्देश से अवधारित संराशीकृत मूल्य को वर्णित करने वाली गणना-शीट।

(8) लेखा अधिकारी, उप-नियम (7) के अधीन दस्तावेजों के प्राप्त होने पर, कार्यालय अध्यक्ष द्वारा अवधारित संराशीकृत मूल्य की शुद्धता सत्यापित करेगा और तत्पश्चात् कार्यालय अध्यक्ष को सूचना देते हुए आवेदक को संराशीकृत मूल्य प्राधिकृत करने के लिए कार्रवाई करेगा।

27. चिकित्सा प्राधिकारी के निष्कर्षों के विरुद्ध अपीलः— नियम 26 में किसी बात के होने हुए भी, नियम 22 के उपनियम (1) के खंड (ग) में निर्दिष्ट कोई आवेदक, नियम 26 के उप-नियम (1) में विनिर्दिष्ट अवधि की समाप्ति के पूर्व, द्वितीय स्वास्थ्य परीक्षा कराने का पात्र होगा, यदि वह ऐसा अनुमान करता है कि चिकित्सा-प्राधिकारी ने अस्वस्थता के आधार पर संराशीकरण से इनकार करने में या उसकी वास्तविक आयु वर्षों को जोड़ने में गलती की है। ऐसा आवेदक, चिकित्सा प्राधिकारी से प्ररूप 4 के भाग 2 की प्रमाणित प्रति प्राप्त होने के एक मास के भीतर, कार्यालय अध्यक्ष को संबोधित पत्र द्वारा अपील कर सकेगा कि चिकित्सा प्राधिकारी की राय का पुनर्विलोकन उप-नियम (2) में उल्लिखित किमी प्रन्य चिकित्सा प्राधिकारी द्वारा उसके खंडों पर कराया जाए। वह पत्र में यह भी उपदर्शित करेगा, :—

- (i) वह चिकित्सा प्राधिकारी, जिसने तत्पूर्व उसकी स्वास्थ्य परीक्षा की थी और वह तारीख जिसको उसकी स्वास्थ्य परीक्षा हुई थी,
- (ii) वह स्थान जहां उसकी स्वास्थ्य परीक्षा हुई थी,
- (iii) चिकित्सा प्राधिकारी की राय,
- (iv) जन्म की तारीख और सेवा निवृत्ति की तारीख,
- (v) सेवा निवृत्ति के समय धृत पद का पदनाम,
- (vi) प्राधिकृत पेंशन की रकम,
- (vii) पेंशन का वह भाग जिसके संराशीकरण के लिए मूलतः आवेदन किया गया था।

(2) उप-नियम (1) में निर्दिष्ट आवेदक की दशा में:—

- (i) यदि पहले उसकी परीक्षा किसी ऐसे चिकित्सा प्राधिकारी द्वारा की गई थी जो सिविल सर्जन या जिला चिकित्सा प्राधिकारी से कम प्राप्तिका नहीं है तो उसकी पुनः परीक्षा चिकित्सा बोर्ड द्वारा की जाएगी, या
- (ii) यदि पहले उसकी परीक्षा चिकित्सा बोर्ड द्वारा की गई थी तो पुनः परीक्षा ऐसे दूसरे चिकित्सा बोर्ड द्वारा की जाएगी जिसके सदस्य प्रथम चिकित्सा बोर्ड के सदस्यों से भिन्न होंगे।

(3) कार्यालय अध्यक्ष, उप-नियम (1) के अधीन पत्र के प्राप्त होने के एक मास के भीतर, आवेदक की पुनः परीक्षा की व्यवस्था करने के लिए कार्रवाई करेगा। इस प्रयोजन के

लिए वह उस मुख्य प्रशासनिक चिकित्सा प्राधिकारी को लिखेगा जिसके यहां आवेदक की पहले परीक्षा की गई थी। वह, मुख्य प्रशासनिक चिकित्सा प्राधिकारी को लिखते समय, उसका व्यान उप-नियम (2) के उपबन्धों की ओर आकर्षित कराएगा और उसे निम्नलिखित दस्तावेजे अप्रेषित करेगा :—

- (1) आवेदक से प्राप्त पत्र, मूल रूप में,
- (2) कार्यालय अध्यक्ष द्वारा नियम 25 के उप-नियम (2) के खंड (घ) के अधीन चिकित्सा प्राधिकारी में पहले प्राप्त हुई प्ररूप 4 की प्रमाणित प्रति।

(4) मुख्य प्रशासनिक चिकित्सा प्राधिकारी उप-नियम (3) के अधीन कार्यालय अध्यक्ष से संसूचना प्राप्त होने पर, चिकित्सा बोर्ड द्वारा, जिसका गठन उप-नियम (2) के उपबन्धों के अनुसार किया जाएगा, आवेदक की द्वितीय स्वास्थ्य परीक्षा के लिए व्यवस्था करेगा। मुख्य प्रशासनिक चिकित्सा प्राधिकारी, उसके पश्चात् आवेदक को सूचित करेगा कि उसे कहा और कब चिकित्सा बोर्ड के समक्ष उपस्थित होना है या यदि आवश्यक है तो चिकित्सा बोर्ड यह निर्देश देगा कि वह आवेदक को ऐसी परीक्षा के स्थान, तारीख और समय की संसूचना दे।

(5) आवेदक, उपनियम (4) के अधीन संसूचना प्राप्त होने पर चिकित्सा बोर्ड के समक्ष, उसे संसूचित तारीख और समय पर, स्वास्थ्य परीक्षा के लिए उपस्थित होगा।

(6) चिकित्सा बोर्ड आवेदक की परीक्षा करेगा और यदि परीक्षा के पश्चात् उसका यह विचार है कि चिकित्सा प्राधिकारी की पूर्ववर्ती राय में संशोधन या उपान्तरण आवश्यक नहीं है या संशोधन या उपान्तरण आवश्यक है तो वह अपनी राय अभिलिखित करेगा और उसे आवेदक को सूचित करते हुए कार्यालय अध्यक्ष को संसूचित करेगा और चिकित्सा बोर्ड का निष्कर्ष आवेदक पर आबद्धकर होगा।

(7) यदि चिकित्सा बोर्ड आवेदक की द्वितीय स्वास्थ्य परीक्षा के परिणामस्वरूप प्रथम चिकित्सा प्राधिकारी की राय अपास्त या उपान्तरित करता है तो चिकित्सा बोर्ड का निष्कर्ष उस तारीख को प्रवृत्त हुआ समझा जाएगा जिस तारीख को प्रथम चिकित्सा प्राधिकारी ने अपनी राय अभिलिखित की थी और संराशीकरण के लिए आवेदक का दाखा तदनुसार निपटाया जाएगा।

(8) इस नियम में अन्तर्विष्ट कोई भी बात ऐसे आवेदक को लागू नहीं होगी जिसके मामले में प्रथम स्वास्थ्य परीक्षा के परिणामस्वरूप यह निर्देश दिया गया था कि संराशीकरण के प्रयोजन के लिए आवेदक की आयु उसकी वास्तविक आयु से अधिक मानी जानी चाहिए और आवेदक ने बड़ी हुई आयु के प्रति निर्देश से संराशीकृत मूल्य प्राप्त कर लिया है।

28. आवेदन वापस लेना :—(1) आवेदक, कार्यालय अध्यक्ष को निखित सूचना देने के पश्चात्, चिकित्सा प्राधिकारी के समक्ष अपनी स्वास्थ्य परीक्षा कराने के पूर्व किसी भी समय किन्तु किनी भी स्थिति में, ऐसे प्राधिकारी के समक्ष उपस्थित होने के पश्चात् नहीं, अपना आवेदन वापस ले सकता है।

(2) यदि चिकित्सा प्राधिकारी यह निर्देश देता है कि संराशीकरण के प्रयोजन के लिए आवेदक की आयु उसकी वास्तविक आयु से अधिक मानी जाएगी तो, आवेदक,—

(क) कार्यालय अध्यक्ष को निखित सूचना देकर, उस तारीख में जिस तारीख को वह प्ररूप 4 के भाग 3 की प्रमाणित रूप क्राप्त करता है, चौदह दिन के भीतर अपना आवेदन वापस ले सकेगा और उस सूचना की एक प्रति लेखा अधिकारी को पृष्ठांकित करेगा, या

(ख) खंड (क) में विनिर्दिष्ट अवधि के भीतर, लेखा अधिकारी को सूचित करते हुए, कार्यालय अध्यक्ष से अनुरोध कर सकेगा कि उसे संराशीकरण के लिए पहले आवेदित रकम को उस रकम तक जो आवेदक द्वारा उपदर्शित की जाए कम करने की अनुमति दी जाए।

(3) जहां आवेदक द्वारा, उपनियम (2) के खंड (क) में विनिर्दिष्ट अवधि के भीतर, आवेदन वापस लेने के लिए अनुरोध नहीं किया गया है, वहां यह उपधारणा की जाएगी कि उसने चिकित्सा प्राधिकारी के निष्कर्षों को स्वीकार कर लिया है और लेखा अधिकारी पेशन के संराशीकृत मूल्य संदाय को प्राधिकृत करने के लिए कार्रवाई करेगा।

(4) यदि संराशीकृत कराई जाने वाली पेशन की रकम को कम करने के लिए अनुरोध उपनियम (2) के खंड (ख) में यथाउपबन्धित रीति से किया गया है, तो लेखा अधिकारी कम की गई रकम के प्रति निर्देश से पेशन के संराशीकृत मूल्य का संदाय प्राधिकृत करेगा।

(5) यदि लेखा अधिकारी, नियम 29 के अधीन आवेदक को सूचना देता है कि सारणी के उपान्तरण के कारण, आवेदक को संदेश होने वाले संराशीकृत मूल्य प्ररूप 3 में उसे संसूचित किए गए मूल्य से कम होगा तो आवेदक लेखा अधिकारी को संबोधित निखित रूप में एक सूचना द्वारा अपना आवेदन वापस ले सकेगा और आवेदक इस सूचना की एक प्रति कार्यालय अध्यक्ष को उस तारीख से, जिस तारीख को वह ऐसे उपान्तरण की सूचना प्राप्त करता है, चौदह दिन के भीतर पृष्ठांकित करेगा।

29. सारणी में विनिर्दिष्ट मूल्य में उपान्तरण :—

(1) यदि सारणी में विनिर्विष्ट मूल्य, नियम 6 के उपनियम (4) के खंड (ii) के निबन्धनों के अनुसार संराशीकरण आत्मांतिक होने के पूर्व, किसी भी समय उपान्तरित कर दिया जाता है तो संदाय इस प्रकार उपान्तरित मूल्य के अनुसार किया जाएगा।

(2) जहां, यथाउपान्तरित सारणी के प्रति निर्देश से संगणित संराशीकृत मूल्य, ऐसे उपान्तरण से पूर्व सारणी के प्रति निर्देश से अवधारित मूल्य से कम अनुकूल है, वहां लेखा अधिकारी—

- (क) आवेदक को संशोधित मूल्य सूचित करेगा और उसे नियम 28 के उपनियम (5) के उपबन्ध संमुचित करेगा, और
- (ख) खंड (क) के अधीन जारी की गई संसूचना की एक प्रति कार्यालय अध्यक्ष को पृष्ठांकित करेगा।

30. लेखा अधिकारी द्वारा संराशीकृत मूल्य के संदाय का प्राधिकरण :—(1) नियम 28 के उपनियम (2) और उपनियम (3) के उपबन्धों के अधीन रहते हुए, लेखा अधिकारी, चिकित्सा प्राधिकारी से, नियम 25 के उपनियम (2) में निर्दिष्ट दस्तावेजों के प्राप्त होने पर, संबद्ध संवितरक प्राधिकारी को एक आदेश अविलम्ब जारी करेगा और उसे निम्ननिखित विशिष्टियां और वस्तावेज देगा, अर्थात् :—

- (i) संराशीकृत पेशन की रकम, पेशन के संराशीकृत मूल्य की रकम और वह तारीख जिस तारीख को संराशीकरण आत्मांतिक हो गया था,
- (ii) अवशिष्टीय पेशन की रकम,
- (iii) प्ररूप 4, मूल रूप में,
- (iv) आवेदक के फोटो की चिकित्सा प्राधिकारी द्वारा यथा अनुप्रमाणित प्रति।

(2) लेखा अधिकारी,—

(क) उस तारीख की बावजूद जिस तारीख को मूल पेशन की रकम कम की जानी चाहिये, नियम 6 के परन्तुके उपबन्धों को भी संवितरक प्रधिकारी की जानकारी में लाएगा;

(ख) उपनियम (1) के अधीन जारी किये गए आदेश की प्रति आवेदक को इस टिप्पणी के साथ पृष्ठांकित करेगा कि उसे संवितरक प्राधिकारी में संराशीकृत मूल्य संग्रहीत कर लेना चाहिये; और

(ग) नियम 6 के उपनियम (1) के परन्तुके उपबन्धों को भी आवेदक की जानकारी में लाएगा।

31. अनन्तिम पेशन का अनन्तिम निर्धारण :—(1) नियम 9 के उपनियम (3) में निर्दिष्ट ऐसे आवेदक को, जिसे कार्यालय अध्यक्ष द्वारा अनन्तिम पेशन के भाग के संराशीकृत मूल्य का संदाय कर दिया गया है, पेशन के अनन्तिम निर्धारण पर, लेखा अधिकारी द्वारा इस प्रकार अवधारित संराशीकृत मूल्य और पहले ही संदत्त संराशीकृत मूल्य के अन्तर का संदाय किया जायेगा;

परन्तु जहां अनन्तिम पेशन के किसी भाग के संराशीकरण के लिये किसी आवेदक की स्वास्थ्य परीक्षा चिकित्सा अधिकारी द्वारा की गई है और ऐसा आवेदक अनन्तिम पेशन के निर्धारण पर, प्रतिमास एक सौ रुपये से अधिक रकम को

संराशीकृत करने का पात्र हो जाता है तो उसे एक सी रूपये प्रतिमास के संराशीकृत मूल्य और अनन्तिम पेंशन के भाग के संराशीकृत मूल्य का अन्तर, पुनःस्वास्थ्य परीक्षा के बिना अनुशास किया जायेगा किन्तु एक सी रूपये प्रतिमास से अधिक पेंशन के संराशीकृत मूल्य का संदाय तब किया जायेगा जब आवेदक नियम 9 के उपनियम (3) के खंड (ग) में यथाउपबन्धित स्वास्थ्य परीक्षा के लिये नए सिरे से आवेदन करता है और उसे चिकित्सा बोर्ड द्वारा आरोप घोषित किया जाता है।

(2) आवेदक को संबोधित प्रस्तुप 4 के पृष्ठांकन में यथाउपदर्शित और नियम 20 के उपनियम (4) के अधीन अप्रेषित अनन्तिम पेंशन का संराशीकृत मूल्य, लेखा अधिकारी द्वारा अनन्तिम पेंशन के भाग और अनन्तिम पेशन के भाग के संराशीकृत मूल्य के बीच अन्तर के संदाय के लिये प्राधिकार पत्र जारी करने के साथ उपान्तरित कर दिये गये समझे जायेंगे।

अध्याय—5

प्रक्रीया

32. निर्वचन:—यदि इन नियमों के निर्वचन के मन्त्रधर्म में कोई संदेह होता है तो उसे विनिश्चय के लिये सरकार के कार्मिक और प्रशासनिक सुधार विभाग को निर्दिष्ट किया जाएगा।

33. शिथिल करने की शक्ति:—जहां सरकार के किसी मंत्रालय या विभाग का यह समाधान हो जाता है कि किसी विशिष्ट मामले में इन नियमों में किसी नियम के प्रवर्तन में असम्भव काट होता है वहां, यथास्थिति, वह मंत्रालय या विभाग, उसके लिए जो कारण है उन्हें लेखबद्ध करके, उस नियम में की अपेक्षाओं को ऐसी भीमा तक आंतर ऐसे अवधारणों और शर्तों के अधीन रहते हुए, जो वह उस मामले की बाबत न्यायसंगत और साम्यापूर्ण रीति से कार्यवाही करने के लिये आवश्यक समझे, अभिमुक्त या शिथिल कर सकता है:

परन्तु ऐसा आदेश कार्मिक और प्रशासनिक सुधार विभाग की सहमति से ही किया जायेगा, अन्यथा नहीं।

34. निरसन और व्याबृत्ति:—(1) इन नियमों के प्रारम्भ पर, ऐसे प्रारम्भ के ठीक पूर्व प्रवृत्ति प्रत्येक नियम, विनियम या आदेश जिसके अन्तर्गत कार्यालय ज्ञापन भी है, (जिन्हें इसमें इसके पश्चात इस नियम में पुराना नियम कहा गया है) जहां तक उनमें इन नियमों में अन्तर्विष्ट किसी मामले के लिये उपबन्ध है, प्रवर्तन में नहीं रह जाएंगे।

(2) प्रवर्तन की इस प्रकार समाप्ति पर भी,—

(क) पेंशन के संराशीकरण के लिये किसी आवेदन का जो इन नियमों के आरम्भ के पूर्व लम्बित है, निपटारा पुराने नियमों के उपबन्धों के अनुमार इस प्रकार किया जायेगा जानां ये नियम बनाए नहीं रखे हों; और

(ख) खंड (क) के उपबन्धों के अधीन रहते हुए पुराने नियमों के अधीन की गई कोई बात या कार्रवाई इन नियमों के तत्स्थानी उपबन्धों के अधीन की गई समझी जायेगी।

प्रस्तुप—1

[नियम 5(2), 6(1), 12, 13(1) और (2), 14(1) और (2) 15(1) और (2) तथा 16(1) और (2) देखिए] स्वास्थ्य परीक्षा के बिना पेंशन के किसी भाग के मंत्रालय करण में लिये आवेदन का प्रस्तुप :

(मेवा निवृत्ति के पश्चात् किन्तु मेवा निवृत्ति की तारीख से एक वर्ष के भीतर दो प्रतियों में प्रस्तुत किया जायेगा।)

भाग—1

मेवा मे,

(यहां कार्यालय अध्यक्ष का पदनाम और पूरा पता उपदर्शित करें)

विषय:—स्वास्थ्य परीक्षा के बिना पेंशन संराशीकरण महोदय,

मैं, केन्द्रीय सिविल सेवा (पेंशन संराशीकरण) नियम, 1981 के उपबन्धों के अनुसार नीचे यथाउपदर्शित अपनी पेंशन के भाग को संराशीकृत कराना चाहता हूँ। आवश्यक विशिष्टियां नीचे दी गई हैं:—

1. नाम (मोटे अक्षरों में)
2. पिता का नाम (महिला सरकारी सेवक की दशा में पति का नाम भी लिखें)
3. सेवा निवृत्ति के समय पदनाम
4. कार्यालय/विभाग/मंत्रालय का नाम, जहां नियोजित था।
5. जन्म की तारीख (ईमवी सन् में)
6. सेवा निवृत्ति की तारीख
7. पेंशन का वर्ग जिस पर मेवानिवृत्त हुआ है।
8. प्राधिकृत पेंशन की रकम *[यदि पेंशन की अनन्तिम रकम प्राधिकृत नहीं की गई है तो केन्द्रीय सिविल सेवा (पेंशन) नियम, 1972 के नियम 64 के अधीन मंजूर की गई अनन्तिम पेंशन भी रकम उपदर्शित करें]
9. *संराशीकृत कराने के लिये प्रस्तावित पेंशन का भाग
10. उस लेखा अधिकारी का पदनाम, जिसने पेंशन प्राधिकृत की है और पेंशन संदाय आदेश की, यदि जारी किया गया है, मध्या और तारीख
11. **पेंशन-संदाय के लिये संवितरक प्राधिकारी

- (क) खजाना/उप-खजाना
 (खजाना/उप-खजाना का नाम और पूरा पता
 उपदर्शित करें)
- (ख) (1) राष्ट्रीयकृत बैंक की ग्राहा और डाक का
 पूरा पता
- (2) बैंक की वह चाता संख्या जिसमें प्रत्येक मास
 मासिक पेंशन जमा की जा रही है।
- (ग) मंत्रालय/विभाग/कार्यालय का लेखा-अधिकारी

स्थान	नाम
तारीख	डाक का पता

टिप्पणि: पेंशन के संराशीकृत मूल्य का संदाय उस संवितरक प्राधिकारी के माध्यम से किया जाएगा जिसमें पेंशन ली जा रही है। कोई भी आवेदक उस संवितरक प्राधिकारी से भिन्न संवितरक प्राधिकारी से पेंशन का संराशीकृत मूल्य प्राप्त नहीं कर सकेगा जिसमें वह अपनी पेंशन ले रहा है।

*आवेदक को मासिक पेंशन की रकम का वह भाग (उसकी अधिकतम एक तिहाई के अधीन रहते हुए) उपर्युक्त करना चाहिए जो वह संराशीकृत करना चाहता है न कि रूपयों में रकम।

**जो लागू न हो उसे काट दें।

भाग 2

अभिस्वीकृति

श्री	मे
(नाम)	(पूर्वपदनाम)
स्वास्थ्य परीक्षा के बिना पेंशन के एक भाग के संराशीकरण के लिए प्ररूप 1 के भाग 1 में आवेदन प्राप्त किया।	
स्थान	हस्ताक्षर
तारीख	कार्यालय अध्यक्ष

टिप्पणि: यह अभिस्वीकृति हस्ताक्षरित स्टाम्पित की जाएगी उस पर सारीख ढाली जाएगी और प्ररूप से विलग्न की जाएगी और आवेदक को सौप दी जाएगी। यदि प्ररूप डाक द्वारा प्राप्त हुआ है तो वह उसी दिन अभिस्वीकार किया जाएगा और अभिस्वीकृति रजिस्ट्रीकृत पत्र से भेजी जाएगी।

भाग 3

लेखा अधिकारी (यहां पता और पदनाम लिखें) को इस टिप्पणी के साथ अग्रेप्ति कि:—

(1) आवेदक द्वारा भाग 1 में दी गई विशिष्टियां
 मस्त्यपित कर ली गई हैं और सही हैं;

- (2) आवेदक स्वास्थ्य परीक्षा के बिना अपनी पेंशन के भाग को संराशीकृत करने का पात्र है;
- (3) इस समय लागू सरणी के प्रतिनिर्देश से अवधारित पेंशन का संराशीकृत मूल्य ——————रु० है;
- (4) संराशीकरण के पश्चात् अवशिष्टीय पेंशन की रकम ——————रु० होगी।

यह अनुरोध है कि केन्द्रीय सिविल सेवा (पेंशन संराशीकरण) नियम, 1981 के नियम 15 के अनुसार पेंशन के संराशीकृत मूल्य की रकम का संदाय प्राधिकृत करने के लिए आगे की कार्रवाई की जाए।

3. प्ररूप के भाग 1 की प्राप्ति उसके भाग 2 में अभिस्वीकृति कर दी गई है जिसे अन्वग से आवेदक को ——————को अग्रेप्ति कर दिया गया है।

4. पेंशन का संराशीकृत मूल्य ——————लेखा श्रीष्ठि को विकलनीय है।

स्थान	हस्ताक्षर
तारीख	कार्यालय अध्यक्ष

प्ररूप-2

[नियम 5 (2), 9 (3), 13 (2), 14 (2), 19, 20 (1), (2), और (3), 21 (1) और 25 (2) देखिए]

केन्द्रीय सिविल सेवा (पेंशन संराशीकरण) नियम, 1981 के नियम 18 में निर्दिष्ट आवेदक द्वारा स्वास्थ्य परीक्षा के पश्चात् पेंशन संराशीकरण के लिए आवेदन का प्ररूप।

(दों प्रतियों में प्रस्तुत किया जाएगा)

फोटो के लिए स्थान
 सेवा में,

(यहां कार्यालय अध्यक्ष
 का पदनाम और
 पूरा पता उपदर्शित
 करें)

विषय—स्वास्थ्य परीक्षा के पश्चात् पेंशन का संराशीकरण महोदय,

मैं केन्द्रीय सिविल सेवा (पेंशन संराशीकरण) नियम, 1981 1981 के उपक्रमों के अनुसार अपनी पेंशन का एक भाग संराशीकृत करना चाहता हूँ। मैंने आवेदन पर अपनी एक अनुप्रमाणित प्रति चिपका दी है और एक अनुप्रमाणित प्रति मंलग्न है। आवश्यक विशिष्टियां नीचे दी गई हैं:—

1. नाम (मोटे अक्षरों में)
2. पिना का नाम (महिला संगकारी सेवक की दमा में पनि का भी नाम)
3. पदनाम

4. कार्यालय/विभाग/मंत्रालय का नाम, जहां नियोजित थे।
5. जन्म की तारीख (ईसवी सन् में)
6. सेवानिवृत्ति की तारीख
7. पेंशन का वह वर्ग जिस पर सेवानिवृत्त हुआ था [केन्द्रीय सिविल सेवा (पेंशन) नियम, 1972 के अध्याय 5 के अनुसार]
8. प्राधिकृत पेंशन की रकम
(यदि पूर्ण पेंशन प्राधिकृत नहीं की गई है तो अनन्तिम पेंशन की रकम उपर्याप्त करें)।

- *9. संराशीकृत कराने के लिए प्रस्तावित पेंशन, का भाग
10. उस लेखा अधिकारी का पदनाम, जिसने पेंशन प्राधिकृत की है, और पेंशन संदाय आदेश की संख्या और तारीख
- **11. पेंशन संदाय के लिए संवितरक प्राधिकारी

- (क) खजाना/उपखजाना
(खजाना/उपखजाना का नाम और पूरा पता उपर्याप्त करें)
- (ख) (i) राष्ट्रीयकृत बैंक की खाता और डाक का पूरा पता
- (ii) बैंक की वह खाता संख्या जिसमें प्रत्येक मास मासिक पेंशन जमा की जा रही है।

- (ग) मंत्रालय/विभाग/कार्यालय का लेखा कार्यालय
12. वह अनुमानित तारीख, जिसमें संराशीकरण प्रभावी किए जाने की इच्छा है।
13. पहले से ही संराशीकृत पेंशन की रकम, यदि कोई है।
14. स्टेशन के लिए अधिसामन जहां स्वास्थ्य परीक्षा कराने की इच्छा है।

स्थान—— हस्ताक्षर
तारीख—— डाक का पता

*आवेदक को मासिक पेंशन की रकम के भाग को (उसके अधिकतम एक तिहाई भाग के अधीन रहते हुए) उपर्याप्त करना चाहिए न कि रूपयों में रकम,

**जो लागू न हों, उसे काट दें।

टिप्पणी:— पेंशन के संराशीकृत मूल्य का संदाय, उस संवितरक प्राधिकारी के माध्यम से किया जाएगा जिसमें पेंशन ली जा रही है। कोई आवेदक पेंशन का संराशीकृत मूल्य उस संवितरक प्राधिकारी से भिन्न प्राधिकारी से प्राप्त नहीं कर सकेगा। जिससे वह पेंशन ले रहा है।

भाग-2

अभिस्वीकृति

श्री—————, —————— से,
(नाम) (पदनाम)
स्वास्थ्य परीक्षा के पश्चात् पेंशन के एक भाग के संराशीकरण के लिए प्ररूप 2 के भाग 1 में आवेदन प्राप्त किया।
स्थान—— हस्ताक्षर
तारीख—— कार्यालय अध्यक्ष

भाग-3

लेखा अधिकारी को————— (यहां पता और पदनाम उपर्याप्त करें), इस टिप्पणी के साथ अप्रेषित कि आवेदन के भाग 1 में दी गई विविधियां सत्यापित कर ली गई हैं और सही हैं और आवेदक स्वास्थ्य परीक्षा के पश्चात् अपनी पेंशन के भाग को संराशीकृत कराने का पात्र है।

2. यह अनुरोध है कि प्ररूप के भाग 4 को पूरा कर दिया जाए और यथासम्भवशीघ्र इस कार्यालय को लौटा दिया जाए।

स्थान—— (कार्यालय अध्यक्ष)
तारीख——

भाग-4

(लेखा अधिकारी द्वारा पूरा किया जाएगा)

1. आवेदक का नाम।
 2. जन्म की तारीख (ईसवी सन् में)।
 3. सेवानिवृत्ति की तारीख।
 4. पेंशन की रकम, जिसके अन्तर्गत यदि अंतिम पेंशन प्राधिकृत नहीं की गई है तो अनन्तिम पेंशन भी है।
 5. पेंशन का वर्ग।
[केन्द्रीय सिविल सेवा (पेंशन) नियम, 1972 के अध्याय 5 के प्रति निर्देश से]
 6. पेंशन की रकम, जिसे संराशीकृत कराने की इच्छा है।
- | | |
|---------|-----------------|
| सामान्य | जोड़े गए वर्षों |
| आयु | एक वर्ष दो वर्ष |

के आधार पर

7. (i) यदि संराशीकरण आवेदक के—————रु. जन्म की अगली तारीख के, जो—————को है, पूर्व आत्यंतिक हो जाता है, तो संदेय रकम
- (ii) यदि संराशीकरण आवेदक के जन्म की अगली तारीख के, जो—————को है, पश्चात् आत्यंतिक हो जाता है तो संदेय रकम
8. लेखाशीर्ष, जिसको संराशीकृत मूल्य विकलनीय है
9. मंलग्नकों की, यदि कोई हैं, संख्या

टिप्पणी:— यदि आवेदक को अशक्त पेंशन मंजूर की गई है या उसने तत्पूर्व अपनी पेंशन के भाग को संराशीकृत कराया है या वास्तविक

ऐसे आधार भी संदाय किए जाने से पूर्व संशोधित किए जा सकते हैं। सदैय रकम वह रकम होगी जो उस तारीख के पश्चात् जिस तारीख को संराशीकरण आत्यंतिक हो जाता है, आवेदक के जन्म की अगली तारीख को उसकी आयु के लिए या यदि चिकित्सा प्राधिकारी निदेश देना है कि उस आयु में और वर्ष जोड़े जाएंगे, तो उस की परिणामी कल्पित आयु के लिए समुचित होगा।

श्री _____ को स्वास्थ परीक्षा के लिए चिकित्सा प्राधिकारी के समक्ष _____ से पत्र प्राप्त होने पर सीधे उपस्थित होना चाहिए। उसे अपने साथ संलग्न प्ररूप 4 को उसके भाग 1 में अपेक्षित विशिष्टियां, सिवाय हस्ताक्षर या अगूठा और अंगुलियों की छाप के, भर कर ले जाना चाहिए।

स्थान _____ हस्ताक्षर
तारीख _____ कार्यालय प्रब्लेम्स

प्रति लेखा प्राधिकारी _____ (यहां पवनाम और पता उपदर्शित करें) को उसके पत्र सं० _____ तारीख _____ संदर्भ में प्रेषित।

हस्ताक्षर
कार्यालय प्रब्लेम्स

प्ररूप 4

[नियम 6(1), 20(3), 25(1), (2) और (3), 26(3), 27(1) और (3), 28(2), 30(1) और 31(2) देखिए]

द्वारा स्वास्थ्य परीक्षा
(यहां चिकित्सा प्राधिकारी का नाम लिखें)

भाग 1

आवेदक, _____ द्वारा स्वास्थ्य
(यहां चिकित्सा प्राधिकारी का नाम लिखें)
परीक्षा के पूर्व, यह विवरण स्वास्थ्य पुरा करें और उस प्राधिकारी की उपस्थिति में उससे संलग्न घोषणा पर हस्ताक्षर करें।

1. आवेदक का नाम (मोटे अक्षरों में)
2. जन्म की तारीख (ईस्वी सन् में)
3. जन्म का स्थान
4. माता-पिता, भाइयों और बहनों की बाबत विशिष्टियां

पिता की आयु, मृत्यु के समय जीवित भाइयों मृत भाइयों यवि जीवित हैं, पिता की आयु की संख्या, उनके की संख्या, और स्वास्थ्य की और मृत्यु का कारण आयु और मृत्यु के समय स्थिति स्थिति उनकी आयु और मृत्यु का कारण

1	2	3	4
माता की आयु, यदि जीवित है, और स्वास्थ्य की स्थिति	मृत्यु के समय मृत बहनों की माता की आयु की संख्या, और मृत्यु का उनकी कारण और स्वास्थ्य आयु और की स्थिति मृत्यु का कारण		

5. क्या आपकी कभी स्वास्थ्य परीक्षा हुई है?

- (क) जीवन धीमा के लिए, या और
- (घ) सरकारी चिकित्सा प्राधिकारी या चिकित्सा बोर्ड द्वारा

6. क्या आपको अशक्त पेंशन मंजूर की गई है या मंजूर करने के लिए विचार किया गया है, यदि ऐसा है तो उसके आधार का वर्णन करें।

7. क्या आपको गत पांच वर्षों के दौरान स्वास्थ्य प्रमाणपत्र पर कभी छुट्टी मंजूर की गई है? यदि ऐसा है तो छुट्टी की अवधि और रोग की प्रकृति का उल्लेख करें।

8. क्या आपको कभी—

- (क) चेचक, सविरामी या अन्य प्रकार का बुखार, ग्रंथियों के पूरी भवन में बूढ़ि, रक्त थूकना, बमा, फेंडों का शोथ, प्लूरिसी, हृदय रोग, मूर्ढां-आक्रमण, वातरोग, एपेंडीसाइटिस, मिरगी, उन्मत्तता या अन्य तंत्रिका रोग, कान से अश्राव कान का अन्य रोग, सिफ्लिस या गेनोरिया हुआ था, या
- (ख) कोई अन्य रोग या अति हुई थी जिसमें विस्तर पर पड़े रहना आवश्यक था, या
- (क) कोई शल्य किया हुई थी, या
- (घ) जब आप सक्रिय सेवा पर थे कोई रोग, जोट लगी थी या अति हुई थी।
- (ङ) मूल में ऐल्बमिन या शर्करा का होना।

9. स्वास्थ्य की वर्तमान स्थिति :

- (क) क्या आपके हार्निया हैं?
- (ख) क्या आपके वैरिकोसील; अपस्फीति-शिरा या बावासीर हैं?
- (ग) क्या प्रत्येक नेत्र में आपकी दृष्टि ठीक है ?
(चम्मा के साथ या उसके बिना)
- (घ) क्या आपके प्रत्येक कान की श्वरणशक्ति ठीक है ?
- (ङ) क्या आपके कोई जन्मजात या अंजित कुरुपता दोष या अंगहीनता है ?
- (च) क्या पिछले तीन वर्षों के दौरान आपके वजन में विशेष कभी या बृद्धि हुई है ?
- (छ) क्या आप पिछले तीन मास में किसी चिकित्सक से चिकित्सा करा रहे हैं, रोग की प्रकृति जिसके लिए चिकित्सा कराई गई थी।

आवेदक द्वारा घोषणा

(चिकित्सा प्राधिकारी की उपस्थिति में हस्ताक्षर किया जाएगा)

मैं घोषणा करता हूँ कि उपर्युक्त उत्तर, मेरे सर्वोत्तम विश्वास के अनुसार, सत्य और सही है।

मैं भलीभांति जानता हूँ कि जानबूझकर मिथ्या विवरण देने या सुसंगत वथ्य को छिपाने से मुझे संराशीकरण खोने की जोखिम उठानी पड़ेगी। मैंने केन्द्रीय सिविल सेवा (पेंशन) नियम, 1972 के नियम 8 के अधीन किसी पैशन को रोके जाने या निकाले जाने के लिए आवेदन किया है और प्राप्त किया है।

आवेदक के हस्ताक्षर या अंगूठे की छाप, यदि आवेदक अशिक्षित है।

..... की उपस्थिति में हस्ताक्षर किया।

चिकित्सा प्राधिकारी के
हस्ताक्षर और पदनाम

भाग 2

(स्वास्थ्य परीक्षा करने वाले चिकित्सा प्राधिकारी द्वारा भरा जाएगा)

1. वृद्धमान आयु।

2. ऊँचाई।

3. वजन।

4. आवेदक के किसी द्रष्ट-चिह्न या अभिज्ञान चिह्न का विवरण दें।

5. नाड़ी की गति—

(क) बैठे हुए।

(ख) खड़े हुए।

नाड़ी का लक्षण क्या है?

6. रक्त दाढ़—

(क) प्रकुञ्चन।

(ख) अनुशिथिलन।

7. क्या प्रमुख अंगों के रोग का कोई लक्षण है?

(क) हृदय।

(ख) फेफड़ा।

(ग) जिगर।

(घ) तिल्ली।

(ङ) गुर्दा।

8. अन्येषण—

(i) मूत्र।

(ii) रक्त। विशिष्ट अनत्व का उल्लेख करें।

(iii) छाती का एक्सरे।

(iv) ई०सी०जी०

9. क्या आवेदक के हनिया है?

यदि ऐसा है तो किसम प्रौर यदि कम हो सकता है तो उल्लेख करें।

10. कोई अतिरिक्त निष्कर्ष।

भाग 3

मैंने/हमने श्री/श्रीमती/कुमारी की सावधानी पूर्वक स्वास्थ्य-परीक्षा की है और मेरी/हमारी यह राय है कि—

उसका शारीरिक स्वास्थ्य अच्छा है प्रौर उसके/उसकी ग्रौसत जीवनावधि की संभावना है।

या

उसका शारीरिक स्वास्थ्य अच्छा नहीं है प्रौर वह संराशीकरण के लिए योग्य नहीं है।

या

यद्यपि वह में ग्रस्त है/फिर भी वह संराशीकरण के लिए योग्य समझा गया है/समझी गई है किन्तु संराशीकरण के प्रयोगन के लिए उसकी आयु, अर्थात् आयु के लिए जन्म की अगली तारीख उमकी वास्तविक आयु से अधिक वर्ष ली जानी चाहिए। (शब्द में)

स्वास्थ्य परीक्षा करने वाले चिकित्सा प्राधिकारी के हस्ताक्षर और पदनाम स्टेशन तारीख

सारणी

[नियम 8, 26(7), 28(5), 29(1) प्रौर (2) देखिए]
एक रुपया वार्षिक पेंशन के लिए संराशीकृत मूल्य

जन्म की अगली तारीख पर वर्ष-क्रम की संख्या के रूप में अभिव्यक्त संराशीकृत मूल्य

17	19. 28
18	19. 20
19	19. 11
20	19. 01
21	18. 91
22	18. 81
23	18. 70
24	18. 59
25	18. 47
26	18. 34
27	18. 21
28	18. 07
29	17. 93
30	17. 78

जन्म की अवधी तारीख पर आयु	वर्ष-क्रम की संख्या के रूप में अभिव्यक्त संराशीकृत मूल्य	जन्म की अवधी तारीख पर आयु	वर्ष-क्रम की संख्या के रूप में अभिव्यक्त संराशीकृत मूल्य
31	17. 62	77	4. 90
32	17. 46	78	4. 65
33	17. 29	79	4. 40
34	17. 11	80	4. 17
35	16. 92	81	3. 94
36	16. 72	82	3. 72
37	16. 52	83	3. 52
38	16. 31	84	3. 32
39	16. 09	85	3. 13
40	15. 87		
41	15. 64		
42	15. 40		
43	15. 15		
44	14. 90		
45	14. 61		
46	14. 37	1. आंध्र प्रदेश	निदेशक, स्वास्थ्य सेवाएं, आन्ध्र प्रदेश, हैदराबाद।
47	14. 10		
48	13. 82	2. असम	निदेशक, स्वास्थ्य सेवाएं, असम, शिलांग।
49	13. 54		
50	13. 25	3. बिहार	निदेशक, स्वास्थ्य सेवाएं, बिहार, पटना।
51	12. 95		
52	12. 66	4. गुजरात	निदेशक, चिकित्सा सेवाएं, आहमदाबाद, गुजरात।
53	12. 35		
54	12. 05	5. हरियाणा	निदेशक, स्वास्थ्य सेवाएं, हरियाणा, चंडीगढ़।
55	11. 73		
56	11. 42	6. हिमाचल प्रदेश	निदेशक, चिकित्सा और स्वास्थ्य सेवाएं, हिमाचल प्रदेश, गिमला।
57	11. 10		
58	10. 78	7. जम्मू-कश्मीर	निदेशक, स्वास्थ्य सेवाएं, जम्मू-कश्मीर, श्रीनगर/जम्मू (तबी)
59	10. 46		
60	10. 13	8. कर्नाटक	निदेशक, स्वास्थ्य सेवाएं, कर्नाटक, बंगलोर।
61	9. 81		
62	9. 48	9. केरल	निदेशक, स्वास्थ्य सेवाएं, केरल, तिवेंड्रम।
63	9. 15		
64	8. 82	10. मध्यप्रदेश	निदेशक, स्वास्थ्य सेवाएं, मध्यप्रदेश, भोपाल।
65	8. 50		
66	8. 17	11. महाराष्ट्र	(i) यदि आवेदक की स्वास्थ्य परीक्षा चिकित्सा बोर्ड द्वारा की जानी है तो, अधीक्षक, जे० जे० युप आफ हास्पिटल्स, मुम्बई या सिविल मर्जन, पुणे।
67	7. 85		
68	7. 53		
69	7. 22		
70	6. 91		
71	6. 60		
72	6. 30		
73	6. 01		
74	5. 72		
75	5. 44		
76	5. 17		

क्रम संख्या	राज्य का नाम	पदनाम और पता	क्रम संख्या	राज्य का नाम	पदनाम और पता
		(ii) यदि आवेदक की स्वास्थ्य परीक्षा चिकित्सा बोर्ड द्वारा नहीं की जानी है तो, संबद्ध जिला का सिविल सर्जन या प्रेसी-डेंसी मर्जन, मुम्बई।	2.	ग्रन्दमान	ग्रन्दमान और निकोबार द्वीप ज्येष्ठ चिकित्सा अधिकारी,
12.	मणिपुर	निदेशक, चिकित्सा और स्वास्थ्य सेवाएं, मणिपुर, इम्फाल।	3.	लक्ष्मीप	निदेशक, चिकित्सा और स्वास्थ्य सेवाएं, लक्ष्मीप, डा० घ० कावर्नी वाया प्रधान डाक घर, कालीकट।
13.	मेघालय	निदेशक, स्वास्थ्य सेवाएं, मेघालय।	4.	दादरा और नागर हवेली	स्वास्थ्य चिकित्सा अधिकारी, दादरा और नागर हवेली मिलब्रसा।
14.	नागालैण्ड	निदेशक, स्वास्थ्य सेवाएं, नागालैण्ड, कोहिसा।			
15.	उडीसा	निदेशक, स्वास्थ्य सेवाएं, उडीसा, भुवनेश्वर।	5	गोआ, दमन और दीव	निदेशक, स्वास्थ्य सेवाएं, गोआ, पंजिम।
16.	पंजाब	निदेशक, स्वास्थ्य सेवाएं, पंजाब, चंडीगढ़।	6.	पाण्डुचेरी	निदेशक, स्वास्थ्य सेवाएं, पाण्डुचेरी।
17.	राजस्थान	निदेशक, चिकित्सा और स्वास्थ्य सेवाएं, राजस्थान, जयपुर।	7.	चण्डीगढ़	स्वास्थ्य, चिकित्सा अधिकारी, मंद राज्य क्षेत्र चण्डीगढ़, चण्डीगढ़।
18.	मिनिस्ट्री	निदेशक, स्वास्थ्य सेवाएं, सिंधिकम, गंगटोक।	8.	मिजोरम	निदेशक, स्वास्थ्य सेवाएं, मिजोरम, शिलाग।
19.	तमिलनाडु	निदेशक, स्वास्थ्य सेवाएं और परिवार कल्याण, तमिलनाडु, मद्रास।	9.	श्रहणाचल	प्रदेश निदेशक, स्वास्थ्य सेवाएं, शिलांग।
20.	त्रिपुरा	निदेशक, स्वास्थ्य सेवाएं, त्रिपुरा, अगरतला।			[सं० 6(4)-पैगेन (ए)/79]
21.	उत्तर प्रदेश	निदेशक, चिकित्सा और स्वास्थ्य सेवाएं, उत्तर प्रदेश, लखनऊ।			टी० गमस्वामी, संयुक्त सचिव
22.	पश्चिमी बंगाल	निदेशक, स्वास्थ्य सेवाएं, पश्चिमी बंगाल, राइटर्स बिल्डिंग, कलकत्ता।			
		मंद राज्य क्षेत्र			
1.	दिल्ली	(i) अध्यक्ष, केन्द्रीय स्थायी चिकित्सा बोर्ड, डा० राम भनोहर लोहिया अस्पताल, नई दिल्ली।			
		(ii) अध्यक्ष, केन्द्रीय स्थायी चिकित्सा बोर्ड, सफवर-जंग अस्पताल, नई दिल्ली।			

(Department of Personnel and Administrative Reforms)

New Delhi, the 23rd March, 1981

S.O. 1134.—In exercise of the powers conferred by the proviso to article 309 and clause (5) of article 148 of the Constitution and after consultation with the Comptroller and Auditor General in relation to persons serving in the Indian Audit and Accounts Department, the President hereby makes the following rules, namely :-

CHAPTER I

Preliminary

- Short title and commencement.—(1) These rules may be called the Central Civil Services (Commutation of Pension) Rules, 1981.
- They shall come into force on the 1st July, 1981.

2. Application.—These rules shall apply to Government servants who may be entitled to or have been authorised any

class of pension referred to in Chapter V of the Central Civil Services (Pension) Rules, 1972.

3. Definitions.—(1) In these rules, unless the context otherwise requires:—

- (a) "accounts officer" means an officer, whatsoever his official designation may be, who maintains the accounts of a Ministry, Department or Office of the Central Government or Union Territory and includes an Accountant General who is entrusted with the functions of keeping the accounts or part of the accounts of the Central Government or Union Territory;
- (b) "applicant" means a Government servant, including a retired Government servant, who applies for commutation of fraction of pension in the prescribed form;
- (c) "Chief Administrative Medical Authority" means the medical authority of the State or the Union Territory as specified in the Annexure appended to these rules;
- (d) "death-cum-retirement gratuity" means the gratuity payable under sub-rule (1) of rule 50 of the Pension Rules;
- (e) "disbursing authority" means .—
 - (i) branch of a nationalised bank, or
 - (ii) treasury including sub-treasury, or
 - (iii) accounts officer,

from where the applicant is receiving pension authorised under the Pension Rules;

- (f) "Form" means a Form appended to these rules;
- (g) "Government" means the Central Government;
- (h) "Head of Office" means a gazetted officer referred to in clause (1) of sub-rule (1) of rule 3 of the Pension Rules;
- (i) "medical authority" means medical authority referred to in rule 22;
- (j) "pension" means any class of pension including compassionate allowance referred to in Chapter V of the Pension Rules but does not include extra pension and the amount, by whatever name called, granted by the Government to a pensioner as compensation for higher cost of living;
- (k) "Pension Rules" means the Central Civil Services (Pension) Rules, 1972;
- (l) "provisional pension" means the pension referred to in rule 64 or rule 69 of the Pension Rules, as the case may be;
- (m) "Table" means a Table appended to these rules.

(2) The words and expressions used in these rules but not defined shall have the meanings respectively assigned to them in the pension Rules.

CHAPTER II

GENERAL CONDITIONS

4. Restriction on commutation of pension.—No Government servant against whom departmental or judicial proceedings, as referred to in rule 9 of the Pension Rules, have been instituted before the date of his retirement, or the pensioner against whom such proceedings are instituted after the date of his retirement, shall be eligible to commute a fraction of his provisional pension authorised under rule 69 of the Pension Rules or the pension, as the case may be, during the pendency of such proceedings.

5. Limit on commutation of pension.—(1) A Government servant shall be entitled to commute for a lump sum payment a fraction not exceeding one-third of his pension.

(2) In an application for commutation in Form 1 or, Form 2, as the case may be, an applicant shall indicate the fraction of pension which he desires to commute and may either indicate the maximum limit of one-third of pension or such lower limit as he may desire to commute.

(3) If fraction of pension to be commuted results in fraction of rupee, such fraction of a rupee shall be ignored for the purpose of commutation.

6. Commutation of pension to become absolute.—(1) The commutation of pension shall become absolute in the case of an applicant referred to—

- (i) in sub-rule (2) of rule 13, on the date on which the application in Form 1 is received by the Head of Office;
- (ii) in Chapter IV, on the date on which the medical authority signs the medical report in Part III of Form 4;

Provided that :—

(a) in the case of an applicant who is drawing this pension from a treasury or accounts officer, the reduction in the amount of pension on account of commutation shall be operative from the date of receipt of the commuted value of pension or at the end of three months after issue of authority by the Accounts Officer for the payment of commuted value of pension, whichever is earlier, and

(b) in the case of an applicant who is drawing pension from a branch of a nationalised bank, the reduction in the amount of pension on account of commutation shall be operative from the date on which the commuted value of pension is credited by the bank to the applicant's account to which pension is being credited.

(2) In the case of an applicant referred to in rule 9 or rule 10, the commuted value is paid in two stages. The reduction in the amount of pension shall be made from the respective dates of the payments as laid down in clause (a) or clause (b) of the Proviso to sub-rule (1).

(3) The date on which the payment of the commuted value of pension was made to the applicant or the commuted value was credited to the applicant's account shall be entered in both halves of the Pension Payment Order by the disbursing authority under intimation to the accounts officer who authorised the payment of commuted value of pension.

7. Death of an applicant before receiving the commuted value.—If an applicant dies without receiving the commuted value on or after the date on which commutation became absolute, the commuted value shall be paid to his heirs.

8. Calculation of commuted value of pension:—The lumpsum payable to an applicant shall be calculated in accordance with the Table of the values prescribed from time to time and applicable to the applicant on the date on which the commutation becomes absolute.

9. Commutation of provisional pension:—(1) A Government servant to whom, pending assessment of final pension, provisional pension has been sanctioned under rule 64 of the Pension Rules, shall be eligible to commute a fraction of such provisional pension subject to the limit specified in rule 5.

(2) For the purpose of commutation of provisional pension, the provisions of Chapter III or Chapter IV, as the case may be, shall apply.

(3) The provisions of this sub-rule shall apply to an applicant who for the purpose of commutation of provisional pension is governed by Chapter IV of these rules:—

- (i) where an applicant desires to commute a fraction of his provisional pension which works out to be not exceeding one hundred rupees per mensem and in whose case it is expected that the amount which he would be entitled to commute when the final amount of pension has been authorised would

exceed one hundred rupees per mensem, his application shall be deemed, for the purpose of rule 22, to be for commutation of amount exceeding one hundred rupees per mensem.

- (ii) (a) Where the applicant does not indicate the possibility of his entitlement to commutation of pension exceeding one hundred rupees per mensem on the determination of final pension due to him he shall be treated as having applied for commutation of pension not exceeding one hundred rupees per mensem.
- (b) If on the determination of final pension, the applicant becomes entitled to commute his pension upto one hundred rupees per mensem, he shall not be required to undergo medical examination for payment to him of the difference between the commuted value of the pension originally commuted and the pension commuted subsequently.
- (c) If on the determination of final pension, the applicant becomes entitled to commute a sum exceeding one hundred rupees, he shall, for commutation of pension exceeding rupees one hundred, be required to apply afresh in Form 2.

10. Retrospective revision of final pension:—An applicant who has commuted a fraction of his final pension and after commutation his pension has been revised and enhanced retrospectively as a result of Government's decision, the applicant shall be paid the difference between the commuted value determined with reference to enhanced pension and the commuted value already authorised. For the payment of difference the applicant shall not be required to apply afresh :

Provided that in the case of an applicant who has commuted a fraction of his original pension not exceeding rupees one hundred after being declared fit by a Civil Surgeon or a District Medical Officer and as a result of retrospective enhancement of pension, he becomes eligible to commute an amount exceeding one hundred rupees per mensem, he shall be allowed the difference between the commuted value of one hundred rupees per mensem and the commuted value of the fraction of the original pension without further medical examination. The commutation of any further amount beyond rupees one hundred per mensem shall be treated as fresh commutation and allowed subject to examination by a Medical Board.

CHAPTER III

Commutation of pension without medical examination

11. Scope:—The provision of this Chapter shall apply to an applicant who is eligible to commute a fraction of his pension without medical examination.

Eligibility: An applicant who is authorised :

- (i) a superannuation pension under rule 35 of the Pension Rules; or
- (ii) a retiring pension under rule 36 of the Pension Rules; or
- (iii) a pension on absorption in or under a corporation or company or body in terms of rule 37 of the Pension Rules and who elects to receive monthly pension and death-cum-retirement-gratuity; or
- (iv) a compensation pension on abolition of permanent post under rule 39 of the Pension Rules; or
- (v) a pension in whole or in part on the finalisation of the departmental or judicial proceedings referred to in rule 9 of the Pension Rules and issue of final orders thereon

shall, subject to the limit in rule 5, be eligible to commute a fraction of his pension without medical examination :

Provided that he applies for commutation of pension in Form 1 in accordance with the provisions of rule 13.

Note:—Pension referred to in clause (i), clause (ii) and clause (iv) shall include the provisional pension sanctioned under rule 64 of the Pension Rules.

13. Application for commutation of pension:—(1) An applicant, who is in receipt of any pension referred to in rule 12 and desires to commute a fraction of that pension any time after the date following the date of his retirement from service but before the expiry of one year from the date of retirement, shall

(a) apply to the Head of Office in Form 1 after the date of his retirement;

(b) ensure that the application in Form 1, duly completed, is delivered to the Head of Office as early as possible but not later than one year of the date of his retirement. Provided that in the case of an applicant :—

(a) referred to in clause (iii) of rule 12, where order retiring him from Government service had been issued from a retrospective date, the period of one year referred to in this sub-rule shall reckon from the date of issue of the retirement orders;

(b) referred to in clause (v) of rule 12, the period of one year referred to in this sub-rule shall reckon from the date of the issue of the orders consequent on the finalisation of the departmental or judicial proceedings.

(2) An applicant who applies for commutation of pension within one year of the date of his retirement but his application in Form 1 is received by the Head of Office after one year of the date of his retirement, shall not be eligible to get his pension commuted without medical examination. Such an applicant, if he desires to commute a fraction of his pension shall apply a fresh in Form 2 in accordance with the procedure laid down in Chapter IV.

14. Action to be taken by the Head of Office on application for commutation of pension:—(1) The Head of Office on receipt of application in Form 1 under sub-rule (1) of rule 13, shall :—

(a) initial the Form indicating the date of its receipt ;

(b) acknowledge immediately the receipt of Form 1 in Part II of that Form and despatch the same to the applicant ;

(c) take immediate action to complete Part III of Form 1 and forward the same to the accounts officer after retaining one copy for his record.

(2) In case application in Form 1 is received by the Head of office under sub-rule (1) of rule 13 after one year of the date of retirement of the applicant, the Head of Office shall inform the applicant that :—

(a) he shall not be eligible to commute a fraction of pension without medical examination,

(b) if he desires to get a fraction of the pension commuted, he should apply a fresh in Form 2 so that arrangements for medical examination are made in accordance with the procedure laid down in Chapter IV.

15. Authorization of commuted value by the accounts officer:—(1) The accounts officer on receipt of Form 1 from the Head of Office shall verify that—

(a) information furnished by the Head of Office in Part III of Form 1 is correct ;

(b) the applicant is eligible to commute a fraction of his pension without medical examination ;

(c) the commuted value of pension has been determined correctly by the Head of Office.

(2) The accounts officer after necessary verification of the information furnished in Form 1 shall—

(a) issue authority for the payment of commuted value of pension to the disbursing authority concerned ;

(b) draw the attention of the disbursing authority concerned to the proviso to sub-rule (1) of rule 6 so that the disbursing authority may make entry in the Pension Payment Order regarding the date on which the amount of pension is to be reduced on account of commuted part of pension ;

(c) endorse to the applicant a copy of the authority referred to in clause (a) with the instruction that he should collect the commuted value of pension from the disbursing authority.

16. Authorization of the commuted value of a fraction of provisional pension.—(1) If pending determination of final pension, the Head of Office has sanctioned provisional pension to a Government servant under rule 64 of the Pension Rules and such a Government servant has applied for commutation of provisional pension in Form 1 in accordance with the provisions of rule 9, the Head of Office on receipt of Form 1 shall—

(a) take action as provided in sub-rule (1) of rule 14 and forward Form 1 to the accounts officer along with the duly completed pension papers referred to in rule 61 of the Pension Rules, in case pension papers have not already been forwarded to the accounts officer;

(b) request the accounts officer to verify the correctness of the amount of provisional pension and the amount of the commuted value of the fraction of the provisional pension as determined in part III of Form 1.

(2) The accounts officer on receipt of Form 1 under sub-rule (1), shall verify the correctness of the amount of provisional pension and make further verification as provided in sub-rule (1) of rule 15.

(3) The accounts officer after necessary verification of the amount of the provisional pension and the amount of the commuted value shall—

(a) issue authority for the payment of commuted value of pension to the Head of Office with the remarks that the commuted value may be drawn and disbursed to the applicant under intimation to him;

(b) draw the attention of the Head of Office to the proviso to sub-rule (1) of rule 6 so that the Head of Office may make reduction in the amount of provisional pension on account of commutation accordingly; and

(c) endorse to the applicant a copy of the authority referred to in clause (a) with the instructions that he should pursue the matter with the Head of Office.

(4) The Head of Office on receipt of authority from the accounts officer under sub-rule (3), shall draw the amount of commuted value of pension and disburse the same to the applicant under intimation to the accounts officer.

(5)(a) The accounts officer shall on final assessment of pension—

(a) issue authority to the disbursing authority for the payment of the difference between the commuted value so determined and the commuted value already paid by the Head of Office;

(b) make entry in the Pension Payment Order to be issued on the cessation of the payment of the provisional pension by the Head of Office, the fact of the payment of the commuted value of provisional pension by the Head of Office and also indicate the date from which the payment of the residuary pension shall commence.

CHAPTER IV

COMMUTATION OF PENSION AFTER MEDICAL EXAMINATION

17. Scope.—The provisions of this Chapter shall apply to an applicant who is eligible to commute fraction of his pension after medical examination.

18. Eligibility.—An applicant who—

(i) retires on invalid pension under rule 38 of the Pension Rules; or

(ii) on absorption in or under a corporation or company or body corporate or incorporate elects the alternative of receiving the death-cum-retirement gratuity and a lumpsum in lieu of pension in terms of rule 37 of the Pension Rules; or

(iii) is compulsorily retired from service as penalty and is granted pension under scale 40 of the Pension Rules; or

(iv) is in receipt of compassionate allowance under rule 41 of the Pension Rules; or

(v) has retired from service on one of the pensions referred to in rule 12 but his application for commutation has not been received by the Head of Office within one year of his retirement,

shall be eligible to commute a fraction of his pension subject to the limit specified in rule 5 after he has been declared fit by the appropriate medical authority.

19. Application for commutation of pension.—An applicant referred to in rule 18 shall apply to the Head of Office in Form 2 for commutation of a fraction of his pension including provisional pension sanctioned under rule 64 of the Pension Rules

20. Action to be taken by the Head of Office on application for commutation of pension.—(1) The Head of Office on receipt of application in Part I of Form 2 under rule 19 shall—

(a) acknowledge immediately the receipt of Form 2 in Part II of that Form and despatch the same to the applicant;

(b) forward Form 2 in original to the accounts officer in Part III of that Form with the request that Part IV of that Form may be completed immediately and returned to him as early as possible so that action for getting the applicant examined by the appropriate medical authority is taken.

(2) The accounts officer on receipt of Form 2 from the Head of Office under sub-rule (1) shall complete Part IV of that Form and transmit the same to the Head of Office as early as possible.

(3) The Head of Office on receipt of Form 2 from the Accounts Officer under sub-rule (2) shall address in Form 3 the Chief Administrative Medical Authority of the State or Union Territory as specified in the Annexure where the applicant desires to be medically examined and forward to him the following documents:—

(i) Form 2 with Part IV of that Form duly completed in original;

(ii) two copies of the applicant's photograph of which one shall be an attested copy;

(iii) a copy of Form 4 with a spare copy of Part III of that Form;

(iv) report or statement of the applicant's case if he has been granted invalid pension or has previously commuted a part of his pension or declined to accept commutation on the basis of an addition of years to his actual age or has been refused commutation on medical grounds.

(4) A copy of letter in Form 3 addressed to the Chief Administrative Medical Authority shall be endorsed to the applicant and the accounts officer by the Head of Office.

21. Action to be taken by the Chief Administrative Medical Authority.—(1) The Chief Administrative Medical Authority on receipt of documents referred to in sub-rule (3) of rule 20 shall—

(a) arrange as far as possible for the medical examination of the applicant by the medical authority at the nearest available station indicated by the applicant in Form 2;

(b) transmit the documents referred to in sub-rule (3) of rule 20 to the medical authority with the direction to examine the applicant as provided in rule 25;

(c) inform the applicant as to where and when he should appear for medical examination or if necessary direct the medical authority to communicate to the applicant the date and time of such examination.

(2) In fixing the date of medical examination, it shall be ensured that the medical examination is held, as far as possible, before the date of applicant's next birthday.

22 Medical Authority—(1) Save as otherwise provided in sub-rule (2), the medical authority shall be a Medical Board, where an applicant for commutation of pension—

(a) seeks commutation of invalid pension, or

(b) seeks commutation of pension other than invalid pension but the amount of pension to be commuted together with the amount or amounts previously commuted exceeds one hundred rupees per annum, or

(c) has been refused commutation on medical grounds or if he having once declined to accept commutation on the basis of addition of years to his actual age recommended by the medical authority applied for a second medical examination in accordance with the provisions of rule 26 and rule 27.

(2) In any other cases not covered by sub rule (1) the medical authority shall be a Medical Officer not lower in status than that of a Civil Surgeon or a District Medical Officer.

23 Fee for medical examination to be borne by the applicant—The applicant shall be required to pay for medical examination such fee as may be specified by the Central Government.

24 Failure to appear before medical authority—(1) If the applicant after receipt of communication from the Chief Administrative Medical Authority or the medical authority referred to in clause (c) of sub-rule (1) of rule 21 fails to appear for medical examination before the medical authority on the date and time communicated to him (including any change therein either at the request of the applicant or due to administrative reasons) and there is no reasonable ground for his failure the medical authority shall report the fact to the Head of Office concerned and return to him the documents received under clause (b) of sub rule (1) of rule 21.

(2) With the return of documents to the Head of Office under sub rule (1), the application for commutation shall be treated as having been withdrawn.

25 Procedure for Medical Examination—(1) The medical authority shall—

(a) obtain from the applicant a statement in Part I of Form 4 duly signed by the applicant in its presence;

(b) subject the applicant to medical examination and enter the result thereof in Part II of Form 4;

(c) attest the unattested copy of the photograph of the applicant;

(d) complete the certificate contained in Part III of Form 4:

Provided that where—

(i) an applicant has been granted invalid pension, or

(ii) an applicant has previously commuted a part of his pension, or

(iii) an applicant has been refused commutation on medical grounds, or

(iv) an applicant had declined to accept the commutation on the basis of addition of years to his actual age

the medical authority shall, before completing the certificate contained in Part III of Form 4, take into consideration the statement of the medical case of the applicant.

(2) After complying with the requirements of sub rule (1), the medical authority shall without delay forward to the accounts officer who has already completed Part IV of Form 2 the following documents, namely—

(a) Form 2 in original,

(b) attested copy of the applicant's photograph,

(c) Form 4 in original, and

(d) a certified copy of Form 4 to the Head of Office who has countersigned Part IV of Form 2.

(3) The medical authority shall also send to the applicant a certified copy of Part III of Form 4.

26 Second Medical Examination—(1) Subject to the provisions of rule 27, the medical examination in the case of an applicant referred to in clause (c) of sub rule (1) of rule 22 shall take place after the expiry of a period of not less than one year from the date of the first medical examination.

(2) If the applicant desires to be re-examined on the expiry of the period specified in sub rule (1), the examination shall be by a Medical Board at his own expense. For this purpose, he shall address a letter to the Head of Office with the request that arrangements for his re-examination by a Medical Board may be made. He shall indicate in the letter—

(i) the medical authority which examined him earlier, and the date on which such examination took place;

(ii) the place where he was examined;

(iii) the opinion of the medical authority;

(iv) the date of birth and the date of retirement;

(v) designation of the post held at the time of retirement;

(vi) the amount of pension authorised;

(vii) the fraction of pension which was originally applied for commutation.

(3) The Head of Office on receipt of letter under sub rule (2) shall address the Chief Administrative Medical Authority for arranging re-examination of the applicant by a Medical Board and forward the following documents to such authority—

(i) letter in original received from the applicant;

(ii) the certified copy of Form 4 received earlier by the Head of Office from the medical authority under clause (d) of sub rule (2) of rule 25;

(4) The Chief Administrative Authority on receipt of the communication from the Head of Office under sub rule (3) shall inform the applicant as to where and when he should appear for medical examination before the Medical Board or if necessary direct the Medical Board to communicate to the applicant the place, date and time of such examination.

(5) The applicant after the receipt of communication under sub rule (4) shall appear before the Medical Board at the place and on the date and time communicated to him.

(6) The Medical Board shall examine the applicant and if after the examination it is of the view that the earlier opinion of the medical authority needs no revision or modification or needs revisions or modification shall record its opinion and communicate the same to the Head of Office under intimation to the applicant. The documents received by the Medical Board under sub rule (3) shall also be returned to the Head of Office.

(7) If as a result of the opinion of the Medical Board received by the Head of Office under sub-rule (6), the applicant becomes eligible to commute a fraction of pension originally applied for, the Head of Office shall determine the commuted value with reference to the Table applicable on the date, the Medical Board recorded its opinion. The Head of Office thereafter shall request the Accounts Officer to take further action for the authorisation of the commuted value and forward the following documents to him :—

- (i) letter in original received from the applicant under sub-rule (2),
- (ii) the opinion of the Medical Board received under sub-rule (6) in original,
- (iii) calculation sheet showing the commuted value determined with reference to the revised or modified opinion of the Medical Board.

(8) The Accounts Officer on receipt of the documents under sub-rule (7) shall verify the correctness of the commuted value determined by the Head of Office and thereafter take action to authorise the commuted value to the applicant under intimation to the Head of Office.

27. Appeal against the findings of medical authority.—(1) Notwithstanding anything contained in rule 26, an applicant referred to in clause (c) of sub-rule (1) of rule 22 shall be eligible for second medical examination before the expiry of the period specified in sub rule (1) of rule 26 if he feels that the medical authority in refusing commutation on medical grounds or making addition of years to his actual age has committed an error of judgment. Such an applicant may, within one month of the receipt of the certified copy of Part III of Form 4, from the medical authority, prefer an appeal by addressing a letter to the Head of Office that the opinion of the medical authority may be got reviewed by another medical authority mentioned in sub-rule (2) at his own expense. He shall also indicate in the letter—

- (i) the medical authority which had examined his earlier and the date on which the examination took place,
- (ii) the place where he was examined,
- (iii) the opinion of the medical authority,
- (iv) the date of birth and the date of retirement,
- (v) designation of the post held at the time of retirement,
- (vi) the amount of pension authorised,
- (vii) the fraction of pension which was originally applied for commutation.

(2) In case an applicant referred to in sub-rule (1)—

- (i) was examined previously by a Medical Officer, not lower in status than Civil Surgeon or a District Medical Officer, he shall be re-examined by a Medical Board, or
- (ii) was previously examined by a Medical Board, he shall be re-examined by a second Medical Board the members of which shall be different from those of the first Medical Board.

(3) The Head of Office shall, within one month of the receipt of letter under sub-rule (1), take steps for arranging the re-examination of the applicant. For this purpose, he shall address the Chief Administrative Medical Authority, where the applicant was examined previously. He shall, while addressing the Chief Administrative Medical Authority, invite his attention to the provisions of sub-rule (2) and forward to it the following documents :—

- (i) letter received from the applicant in original,
- (ii) certified copy of Form 4 received earlier by the Head of Office from the medical authority under clause (d) of sub-rule (2) of rule 25.

(4) The Chief Administrative Medical Authority on receipt of communication from the Head of Office under sub-rule (3) shall arrange for the second medical examination of the applicant by a Medical Board which shall be constituted in accordance with the provisions of sub-rule (2). The Chief Administrative Medical Authority, shall, thereafter inform the applicant as to where and when he should appear

for medical examination before the Medical Board or if necessary direct the Medical Board to communicate to the applicant the place, date and time of such examination.

(5) The applicant on receipt of the communication under sub-rule (4) shall appear for the medical examination before the Medical Board on the date and time, communicated to him.

(6) The Medical Board shall examine the applicant and if after the examination, it is of the view that the earlier opinion of the medical authority needs no revision or modification or needs revision or modification shall record its opinion and communicate the same to the Head of Office under intimation to the applicant and the findings of the Medical Board shall be binding on the applicant.

(7) If the Medical Board as a result of the second medical examination of the applicant, sets aside or modifies the opinion of the first medical authority, the findings of the Medical Board shall be deemed to have come into force on the date on which the first medical authority recorded its opinion and the claim of the applicant for commutation shall be settled accordingly.

(8) Nothing contained in this rule shall apply to an applicant in whose case the medical authority as a result of the first medical examination had directed that the applicant's age for the purpose of commutation should be assumed to be greater than his actual age, and the applicant received the commuted value with reference to the enhanced age.

28. Withdrawal of application.—(1) The applicant may after giving notice in writing to the Head of the Office, withdraw his application at any time before subjecting himself to medical examination before the medical authority but in no case after he has appeared before such authority.

(2) In case the medical authority directs that the applicant's age for the purpose of commutation shall be assumed to be greater than his actual age, the applicant may—

- (a) by giving notice in writing to the Head of Office withdraw his application within fourteen days from the date on which he receives the certified copy of Part III of Form 4 and endorse a copy of notice to the accounts officer, or
- (b) request the Head of Office within the period specified in clause (a) under intimation to the accounts officer that he may be permitted to reduce the amount of pension already applied for commutation to an amount to be indicated by the applicant.

(3) Where a request for withdrawal has not been made by the applicant within the time specified in clause (a) of sub-rule (2), it shall be presumed that he has accepted the findings of the medical authority and the accounts officer shall take action to authorise the payment of commuted value of pension.

(4) If a request for reduction in the amount of pension to be commuted is made as provided in clause (b) of sub-rule (2), the accounts officer shall authorise the payment of commuted value of pension with reference to the reduced amount.

(5) If the applicant is informed by the accounts officer under rule 29 that on account of modification of the Table, the commuted value becoming payable to the applicant will be less than the value communicated to him in Form 3, it shall be open to the applicant to withdraw his application by a written notice addressed to the accounts officer and the applicant shall endorse a copy of the notice to the Head of Office within fourteen days of the date on which he receives intimation of such modification.

29. Modification in the value specified in the Table.—(1) In case the value specified in the Table is modified at any time before the commutation becomes absolute in terms of clause (iii) of sub-rule (1) of rule 6, the payment shall be made in accordance with the value so modified.

(2) Where the commuted value calculated with reference to the Table as modified is less favourable than the value determined with reference to the Table before it was so modified, the accounts officer, shall,—

- (a) inform the applicant of the revised value and communicate to him the provisions of sub-rule (5) of rule 28, and

(b) endorse to the Head of Office a copy of the communication issued under clause (a).

30. Authorisation of payment of commuted value by the accounts officer.—(1) Subject to the provisions of sub-rule (2) and sub-rule (3) of rule 28, the accounts officer on receipt of the documents referred to in sub-rule (2) of rule 25, from the medical authority, shall without delay issue an order to the disbursing authority concerned and furnish to it the following particulars and documents, namely :—

- (i) the amount of pension commuted, the amount of commuted value of pension and the date on which the commutation became absolute,
- (ii) the amount of residuary pension,
- (iii) Form 4 in original,
- (iv) copy of the applicant's photograph as attested by the medical authority.

(2) The accounts officer shall also,—

- (a) bring to the notice of the disbursing authority the provisions of the proviso to rule 6 regarding the date on which the amount of original pension should be reduced;
- (b) endorsed to the applicant a copy of the order issued under sub-rule (1) with the remarks that he should collect the commuted value from the disbursing authority; and
- (c) bring to the notice of the applicant the provisions of the Proviso to sub-rule (1) of rule 6.

31. Final assessment of provisional pension.—(1) An applicant referred to in sub-rule (3) of rule 9 to whom the commuted value of the fraction of the provisional pension has been paid by the Head of Office, shall, on final assessment of the pension, be paid by the accounts officer, the difference between the commuted value so determined and the commuted value already paid :

Provided that where an applicant has been examined by a Medical Officer for the commutation of a fraction of provisional pension and such an applicant on assessment of final pension becomes eligible to commute an amount exceeding one hundred rupees per mensem, he shall be allowed the difference between the commuted value of one hundred rupees per mensem and the commuted value of the fraction of the provisional pension without further medical examination but the payment of the commuted value of pension exceeding one hundred rupees per mensem shall be made if the applicant applies afresh for medical examination as provided in clause (c) of sub-rule (3) of rule 9 and he is declared fit by a Medical Board.

(2) The commuted value of the fraction of provisional pension as indicated in the endorsement in Form 4 addressed to the applicant and forwarded under sub-rule (4) of rule 20 shall be deemed to have been amended with the issue of an authority by the accounts officer for the payment of difference between the commuted value of the fraction of the final pension and the fraction of the provisional pension.

CHAPTER V

Miscellaneous

32. Interpretation.—Where any doubt arises as to the interpretation of these rules, it shall be referred to the Government in the Department of Personnel and Administrative Reforms for decision.

33. Power to relax.—Where any Ministry or Department of the Government is satisfied that the operation of any of these rules causes undue hardship in any particular case, that Ministry or Department, as the case may be, may, by order for reasons to be recorded in writing, dispense with or relax the requirements of that rule to such extent and subject to such exceptions and conditions, as it may consider necessary for dealing with the case in a just and equitable manner :

Provided that no such order shall be made except with the concurrence of the Department of Personnel and Administrative Reforms.

34. Repeal and savings.—(1) On the commencement of these rules, every rule, regulation or order including Office Memoranda (hereinafter referred to in this rule as "the old

rule) in force immediately before such commencement shall, in so far as it provides for any of the matter, contained in these rules, cease to operate.

(2) Notwithstanding such cessation of operation—

- (a) any application for commutation of pension which is pending before the commencement of these rules shall be disposed of in accordance with the provisions of old rules as if these rules had not been made; and
- (b) subject to the provisions of clause (a), anything done or any action taken under the old rules shall be deemed to have been done or taken under the corresponding provisions of these rules.

FORM 1

[See rules 5(2), 6(1), 12, 13(1) and (2), 14(1) and (2), 15(1) and (2) and 16(1) and (2)]

FORM OF APPLICATION FOR COMMUTATION OF A FRACTION OF PENSION WITHOUT MEDICAL EXAMINATION

(To be submitted in duplicate after retirement but within one year of the date of retirement).

PART I

To _____

The _____

(Here indicate the designation and full address of the Head of Office).

Subject : Commutation of pension without medical examination.

Sir,

I desire to commute a fraction of my pension as indicated below in accordance with the provisions of the Central Civil Services (Commutation of Pension) Rules, 1981. The necessary particulars are furnished below :—

1. Name (in Block letters).
2. Father's name (also husband's name in case of a female Government servant).
3. Designation at the time of retirement.
4. Name of Office/Department/Ministry in which employed.
5. Date of birth (by Christian era).
6. Date of retirement.
7. Class of pension on which retired.
8. Amount of pension authorised
(in case final amount of pension has not been authorised, indicate the amount of provisional pension sanctioned under rule 64 of the Central Civil Services (Pension) Rules, 1972.)
9. *Fraction of pension proposed to be commuted.
10. Designation of the Accounts Officer who authorised the pension and the No. and date of the Pension Payment Order, if issued.
11. **Disbursing authority for payment of pension of the Treasury/Sub-Treasury (Name and complete address of the Treasury/Sub-Treasury to be indicated).
- (b) (i) Branch of the Nationalised Bank and complete postal address.
- (ii) Bank Account No. to which monthly pension is being credited each month.

(c) Accounts Office of the Ministry/Department/
Office.

Signature

Postal Address

Note.—The payment of commuted value of pension shall be made through the disbursing authority from which pension is being drawn. It is not open to an applicant to draw the commuted value of pension from a disbursing authority other than the disbursing authority from which pension is being drawn.

*The applicant should indicate the fraction of the amount of monthly pension (subject to a maximum of one third thereof) which he desires to commute and not the amount in rupees.

**Score out which is not applicable.

PART II

ACKNOWLEDGEMENT

Received from Shri _____
name _____ (former designation)

application in Part I of Form I for the commutation of a fraction of pension without medical examination.

Place :

Date :

Signature
Head of Office

Note :—This acknowledgement is to be signed, stamped and dated and is to be detached from the Form and handed over to the applicant. If the form has been received by the post, it has to be acknowledged on the same day and the acknowledgement sent under registered cover.

PART III

Forwarded to the Accounts Officer (here indicate the address and designation) _____ with the remarks that :—

- (i) the particulars furnished by the applicant in Part I have been verified and are correct;
- (ii) the applicant is eligible to get a fraction of his pension commuted without medical examination;
- (iii) the commuted value of pension determined with reference to the Table applicable at present comes to Rs. _____.
- (iv) the amount of residuary pension after commutation will be Rs. _____.

2. It is requested that further action to authorise the payment of the amount of commuted value of pension may be taken as in rule 15 of the Central Civil Services (Commutation of Pension) Rules, 1981.

3. The receipt of Part I of the Form has been acknowledged in Part II which has been forwarded separately to the applicant on _____.

4. The commuted value of pension is debitible to Head of Account—

Place :

Date :

Signature _____

Head of Office

FORM-2

[See rules 5(2), 9(3), 13(2), 14(2), 19, 20(1), (2) and (3), 21(1) and 25(2)]

FORM OF APPLICATION FOR COMMUTATION OF PENSION AFTER MEDICAL EXAMINATION BY AN APPLICANT REFERRED TO IN RULE 18 OF THE CENTRAL CIVIL SERVICES (COMMUTATION OF PENSION) RULES, 1981

(To be submitted in duplicate)

Space for photograph.

To

The _____

(Here indicate the designation and full address of the Head of Office).

Subject : Commutation of pension after medical examination.
Sir,

I desire to commute a fraction of my pension in accordance with the provisions of the Central Civil Services (Commutation of Pension) Rules, 1980, an attested copy of my photograph is pasted on the application and an unattested copy is enclosed. The necessary particulars are furnished below :—

1. Name (in block letters) :
2. Father's name (and also husband's name in the case of a female Government servant) :
3. Designation :
4. Name of Office/Department/Ministry in which employed :
5. Date of birth (by Christian era) :
6. Date of retirement :
7. Class of pension on which retired [See Chapter V of the Central Civil Services (Pension) Rules, 1972] :
8. Amount of pension authorised (Indicate the amount of provisional pension if full pension not authorised) :
9. Fraction of pension proposed to be commuted :
10. Designation of the Accounts Officer who authorised the pension and the number and date of the Pension Payment Order.
- **11 Disbursing authority for payment of pension :
 - (a) Treasury/Sub-Treasury (Name and complete address of the Treasury/Sub-Treasury to be indicated).
 - (b) (i) Branch of the Nationalised Bank with complete postal address.
 - (ii) Bank Accounts No. to which monthly pension is being credited each month.
 - (c) Accounts Office of the Ministry/Department/Office.
12. Approximate date from which commutation is desired to have effect.
13. The amount of pension already commuted, if any.

14. Preference for station where medical examination is desired to take place.

Place :

Date :

Signature
Postal Address _____

*The applicant should indicate the fraction of the amount of monthly pension (subject to a maximum of one-third thereof) which he desires to commute and not the amount in rupees.

**Score out which is not applicable.

NOTE :—The payment of commuted value of pension shall be made through the disbursing authority from which pension is being drawn. It is not open to an applicant to draw the commuted value of pension from a disbursing authority other than the authority from which pension is being drawn.

PART II

ACKNOWLEDGEMENT

Received from Shri _____,

(Name) (Designation)

application in Part I of Form 2 for commutation of a fraction of pension after medical examination.

Place :

Date :

Signature
Head of Office

PART III

Forward to the Accounts Officer (here indicate the address and designation) _____ with the remarks that the particulars furnished by the applicant in Part I have been verified and are correct and the applicant is eligible to get a fraction of his pension commuted after medical examination.

2. It is requested that Part IV of the Form may be completed and returned to this Office as early as possible.

Place :

Date :

Head of the Office

PART IV

(To be completed by the Accounts Officer)

1. Name of the applicant.
2. Date of birth (by Christian era)
3. Date of retirement.
4. Amount of pension including provisional pension, if final pension not authorised.
5. Class of pension.
(See Chapter V of the Central Civil Services (Pension) Rules, 1972)
6. Amount of Pension desired to be commuted.
On the basis of

Rs.	Normal age.	Added Years. 1 yr. 2 yrs.
-----	----------------	------------------------------
7. (i) Sum payable if commutation becomes absolute before the applicant's next birth day, which falls on _____
- (ii) Sum payable if commutation becomes absolute after the applicant's next birth day which falls on _____
8. The Head of Account to which the commuted value is debitable.

9. Number of enclosures, if any (see Note below).

NOTE :—The Accounts Officer should enclose with the Form a copy of the report or statement of the applicant's case if the applicant has been granted invalid pension or has previously commuted a part of his pension or declined to accept commutation on the basis of an addition of years to actual age, or has been refused commutation on medical grounds.

Place Date

Signature and Designation of
the Accounts Officer
Countersigned _____
(Head of Office)
Full Address.

FORM 3

[See rule 20(3) and (4) and 28(5)]

(FORM OF LETTER TO THE CHIEF ADMINISTRATIVE MEDICAL AUTHORITY) (Please see Annexure).

No. _____
Government of India
Ministry of _____
Department of _____

New Delhi, dated the _____

To _____

SUBJECT : Medical Examination—Commutation of Pension.
Sir,

Shri _____ who retired _____
from service on _____ (designation)

has applied for commuting a fraction of his pension for a lumpsum payment. The following documents are forwarded herewith :

- (a) Application in Form 2 in original together with :—
 - (i) an unattested copy of the applicant's photograph.
 - (ii) Part IV of FORM 2 in original duly completed by the Accounts Officer.
- (b) A copy of FORM 4 with a spare copy of PART-III of that Form.
- (c) Report of the statement of the applicant's case if he has been granted invalid pension or has previously commuted a fraction of his pension or declined to accept commutation on the basis of addition of years to his actual age or has been refused commutation on medical grounds.

2. In terms of rule 22 of the Central Civil Services (Commutation of Pension) Rules, 1981, Shri _____ should be examined by a Medical Board/Medical Officer not lower than the rank of Civil Surgeon or a District Medical Officer. It is requested that arrangement may be made to get Shri _____ examined as expeditiously as possible before his next birth day which falls on _____.

3. It is requested that arrangements for medical examination by the medical authority indicated in para 2 above may be made at the nearest available station mentioned by Shri _____ in his application in Form 2. The attention of the Medical authority may be drawn to the provisions of rule 25 of the Central Civil Services (Commutation of Pension) Rules, 1981.

4. It is requested that Shri _____ may be informed direct under intimation to this Ministry/Department/Office as to where and when he should appear before the appropriate authority for medical examination. A copy of this letter is being endorsed to him so that he may comply with your instructions on hearing from you.

5. The receipt of this letter may please be acknowledged.
Yours faithfully,
(Head of Office)

Copy forwarded to Shri _____ (here give complete postal address) with the remarks that subject to the medical authority recommending Commutation, he will on the basis of the report of the Accounts Officer, be eligible for the

lumpsum payment in lieu of the amount of pension to be commuted as follows :

	On the basis of Normal age	Added years	
	1 Yr.	2 Yrs.	
(i) Sum payable if computation becomes absolute before the applicant's next birth day which falls on _____	Rs. _____	_____	_____
(ii) Sum payable if computation becomes absolute after applicant's next birthday which falls on _____	Rs. _____	_____	_____

The Table of the present value, on the basis of which the calculation by the Accounts Officer has been made, is subject to alteration at any time without notice and consequently the basis are liable to revision before payment is made. The sum payable will be the sum appropriate to the applicant's age on his birth day next after the date on which the computation becomes absolute or if the medical authority directs that years will be added to that age to the consequent assumed age.

Shri _____ should report for medical examination to the medical authority direct on hearing from _____. He should take with him the enclosed Form 4 with the particulars required in Part I completed except the signature or thumb and finger impressions.

PLACE

Date :

Copy forwarded to the Accounts Officer (here indicate designation and address) _____ with reference to his letter number _____ dated _____

Signature
Head of Office

Signature
Head of Office

FORM 4

(See rule 6(1), 20(3), 25(1)(2) and (3), 26(3), 27(1) and (3), 28(2), 30(1) and 31(2))

MEDICAL EXAMINATION BY THE
(here enter the medical authority)

PART I

The applicant must complete this statement prior to his examination by the _____

(here enter the medical authority)

and must sign the declaration appended thereto in the presence of that authority.

1. Name of the applicant (in Block letters).
2. Date of birth (by Christian era)
3. Place of Birth.
4. Particulars regarding parents, brothers and sisters

Father's age if living, and state of health	Father's age at death and cause of death	Number of brothers living and state of health	Number of brothers dead and cause of death
1	2	3	4

Mother's age if living, and state of health.	Mother's age at death and cause of death.	Number of sisters living and state of health.	Number of dead sisters ages at their death and cause of death.
5	6	7	8

5. Have you ever been examined.
 - (a) for Life Insurance, or land,
 - (b) by any Government Medical Officer or Medical Board.
6. Have you been granted or considered for grant of invalid pension ? If so, state the ground thereof.
7. Have you ever been granted leave on medical certificate during the last five years ?
If so, state periods of leave and nature of illness.
8. Have you ever—
 - (a) had small-pox, intermittent or any other fever, enlargement on suppuration of glands, spitting of blood, asthma, inflammation of lungs, pleurisy heart disease, fainting attacks, rheumatism, appendicitis, epilepsy, insanity, or other nervous disease, discharge from or other disease of the ear, syphilis or gonorrhoea; or

- (b) had any other disease or injury which required confinement to bed, or
- (c) undergone any surgical operation, or
- (d) suffered from any illness, wound or injury sustained while on active service.
- (e) Presence of albumen or sugar in urine.

9. Present state of health :

- (a) Have you a hernia ?
- (b) Have you varicocele, varicose vein or piles
- (c) Is your vision in each eye good (with or without glasses)?
- (d) Is your hearing in each ear good ?
- (e) Have you any congenital or acquired malformation, defect or deformity ?
- (f) Have you lost or gained weight markedly during the last three years?
- (g) Have you been under treatment of any doctor within the last three months and nature of illness for which such treatment was taken.

Declaration by applicant

(To be signed in the presence of the medical authority)
I declare all the above answers to be, to the best of my belief, true and correct.

I am fully aware that by wilfully making a false statement or concealing a relevant fact I shall incur the risk of losing the commutation. I have applied for and of having my pension withheld or withdrawn under rule 8 of the Central Civil Services (Pension) Rules, 1972.

Applicant's signature or thumb impression in case of illiterate applicant.

Signed in presence of _____

Signature and Designation of medical authority.

PART-II

(To be filled in by the examining medical authority).

1. Apparent age.
2. Height.
3. Weight.
4. Describe any scars or identifying marks of the applicant.
5. Pulse rate.
 - (a) sitting
 - (b) standing

What is the character of pulse ?

6. Blood Pressure—

- (a) Systolic
- (b) Diastolic.

7. Is there any evidence of disease of the main organs ?
 - (a) Heart.
 - (b) Lungs.
 - (c) Liver.
 - (d) Spleen
 - (e) Kidney.

8. Investigations—

- (i) Urine
- (ii) Blood
- (iii) X-Ray Chest.
- (iv) E.C.G.

12. Has the applicant a hernia?
If so, state the kind and if reducible.

13. Any additional finding.

PART III

I/We have carefully examined Shri/Shrimati/Kumari and am/are of opinion that—

He/She is in good bodily health and has the prospect of an average duration of life.

OR

He/She is not in good bodily health and is not a fit subject for commutation.

OR

Although he/she is suffering from _____ he/she is considered a fit subject for commutation but his/ her age for the purpose of commutation i.e. the age next birthday should be taken to be _____(in words) years more than his/ her actual age.

Signature and designation of examining medical Authority.

Station :

Dated :

TABLE

[See rules 8, 26(7), 28(5) and 29(1) and (2)]

Commutation values for a pension of Re. 1 per mensem.

Age next birthday	1	2	Age next birthday	Commutation value expressed as no. of years' purchase
			1	2
17		19.28	58	10.78
18		19.20	59	10.46
19		19.11	60	10.13
20		19.01	61	9.81
21		18.91	62	9.48
22		18.81	63	9.15
23		18.70	64	8.82
24		18.59	65	8.50
25		18.47	66	8.17
26		18.34	67	7.85
27		18.21	68	7.53
28		18.07	69	7.22
29		17.93	70	6.91
30		17.78	71	6.60
31		17.62	72	6.30
32		17.46	73	6.01
33		17.29	74	5.72
34		17.11	75	5.44
35		16.92	76	5.17
36		16.72	77	4.90
37		16.52	78	4.65
38		16.31	79	4.40
39		16.09	80	4.17
40		15.87	81	3.94
41		15.64	82	3.72
42		15.40	83	3.52
43		15.15	84	3.32
44		14.90	85	3.13
45		14.61		
46		14.37		
47		14.10		
48		13.82		
49		13.54		
50		13.25		
51		12.95		
52		12.66		
53		12.35		
54		12.05		
55		11.73		
56		11.42		
57		11.10		

ANNEXURE

[See rule 20(3)]

Chief Administrative Medical Authorities in the States and Union Territories

Sl. No.	Name of the State	Designation and address	
		1	2
1.	Andhra Pradesh	Director of Health Services Andhra Pradesh, Hyderabad.	
2.	Assam	Director of Health Services, Assam, Shillong.	
3.	Bihar	Director of Health Services, Bihar, Patna.	
4.	Gujarat	Director of Medical Services, Ahmedabad, Gujarat.	
5.	Haryana	Director of Health Services, Haryana, Chandigarh.	
6.	Himachal Pradesh	Director of Medical & Health Services, Himachal Pradesh, Simla.	
7.	Jammu and Kashmir	Director of Health Services, Jammu and Kashmir, Sri nagar Jammu (Tawi).	
8.	Karnataka	Director of Health Services, Karnataka, Bangalore.	
9.	Kerala	Director of Health Services, Kerala, Trivandrum.	
10.	Madhya Pradesh	Director of Health Services, Madhya Pradesh, Bhopal.	

1	2
11. Maharashtra	(i) The Superintendent, JJ. Group of Hospitals, Bombay or the Civil Surgeon, Poona, if the applicant is to be examined by a Medical Board. (ii) Civil Surgeon of the District concerned or the Presidency Surgeon, Bombay if the applicant is not to be examined by a Medical Board.
12. Manipur	Director of Medical and Health Services, Manipur, Imphal.
13. Meghalaya	Director of Health Services, Meghalaya, Shillong.
14. Nagaland	Director of Health Services, Nagaland, Kohima.
15. Orissa	Director of Health Services, Orissa, Bhubaneswar.
16. Punjab	Director of Health Services, Punjab, Chandigarh.
17. Rajasthan	Director of Medical & Health Services, Rajasthan, Jaipur.
18. Sikkim	Director of Health Services, Sikkim, Gangtok.
19. Tamil Nadu	Director of Health Services and Family Planning, Tamil Nadu Madras.
20. Tripura	Director of Health Services, Tripura, Agartala.
21. Uttar Pradesh	Director of Medical & Health Services, Uttar Pradesh, Lucknow.
22. West Bengal	Director of Health Services, West Bengal, Writers Building, Calcutta.

THE UNION TERRITORIES

1. Delhi	(i) The Chairman of the Central Standing Medical Board, Dr. Ram Manohar Lohia Hospital, New Delhi. (ii) The Chairman of the Central Standing Medical Board, Safdarjung Hospital, New Delhi.
2. The Andaman & Nicobar Senior Medical Officer, Andaman and Nicobar Islands, Port Blair.	
3. Lakshadweep	Director of Medical and Health Services, Lakshadweep, P.O. Kavaratti via Head Post Office, Calicut.
4. Dadra and Nagar Haveli	Medical Officer of Health, Dadra & Nagar Haveli, Silvassa.
5. Goa, Daman and Diu	Director of Health Services, Goa, Panjim.
6. Pondicherry	Director of Health Services, Pondicherry.
7. Chandigarh	Medical Officer of Health, Union Territory of Chandigarh, Chandigarh.
8. Mizoram	Director of Health Services, Mizoram, Shillong.
9. Arunachal Pradesh	Director of Health Services, Shillong.

[No. 6(4)-Pen(A)/79]
T. RAMASWAMY, Jt. Secy.

नई दिल्ली, 27 मार्च, 1981

का० आ० 1135.—दण्ड प्रक्रिया संहिता, 1973 (1974 का 2) की धारा 24 की उपधारा (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार एवं द्वारा नई दिल्ली में अपीलीय तथा पुनर्रक्षण न्यायालयों में तथा उच्च न्यायालय नई दिल्ली में नीचे दी गई तालिका के कालम (3) में उल्लिखित दिल्ली विशेष पूलिय स्थापना के मामलों में तथा उनमें उत्पन्न किसी अन्य मामले का भी संचालन करने के लिए नीचे दी गई तालिका के कालम (2) में उल्लिखित अधिवक्ताओं को विशेष लोग अभियाजक के रूप में नियुक्त करती है :—

तालिका		
क्रम सं	प्रधिवक्ता का नाम	मामला संख्या
1	2	3
1.	श्री एन० सी० तालुकदार के० एल० अरोरा	तथा अन्य के विद्वन् नियमित मामला सं 2/81 एस०
		आई० मू०-१ एस०
		आई० सी०
2.	श्री आर० एल० मेहता	—वही— [सं 225/14/81-ए वी० ई०-II]

New Delhi, the 27th March, 1981

S.O. 1135.—In exercise of the powers conferred by subsection (8) of section 24 of the Code of Criminal Procedure 1973 (2 of 1974), the Central Government hereby appoints the Advocates mentioned in column (2) of the Table below as Special public Prosecutors to represent the prosecution in the matters arising out of the Delhi Special Police Establishment case in column (3) of the table below in the Delhi High Court, New Delhi and in Appellate and Revisional Courts, Delhi and New Delhi.

TABLE

Sr. No.	Name of the Advocate	Case Number.
(1)	(2)	(3)
1.	Shri N.C. Talukdar	Regular case No. 2/81-SIU. I/SIC against K.L. Arora and Others.
2.	Shri R.L. Mehta	Regular case No. 2/81-SIU. I/SIC against K.L. Arora and others.

[No. 225/14/81-AVD-II]

नई दिल्ली, 30 मार्च, 1981

का० आ० 1136—दण्ड प्रक्रिया संहिता, 1973 (1974 का 2) की धारा 24 की उपधारा (8) के द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार एवं द्वारा श्री पी० आर० नामजोणी, अधिवक्ता बम्बई को नियमित मामला संख्या 32/76-बम्बई में बैक आफ इण्डिया, बम्बई के क्लर्क श्री सी० के० सम्पत तथा अन्य व्यक्तियों के विरुद्ध

विशेष न्यायाधीश के न्यायालय, बम्बई में राज्य की ओर स उपस्थित होने और अभियोजन संचालित करने के लिए विशेष लोक अभियोजक के रूप में नियुक्त करती है।

[मध्या 225/6/81-ए० टी० डी० (II)]

काली प्रसाद, अवर सचिव

New Delhi, the 30th March, 1981

S.O. 1136.—In exercise of the power, conferred by sub-section (8) of section 24 of the Code of Criminal Procedure, 1973 (2 of 1974), the Central Government hereby appoints Shri P. R. Namjoshi, Advocate, Bombay, as a Special Public Prosecutor to appear and conduct prosecution on behalf of the States in the court of the Special Judge, Bombay, in R.C. No. 32/76-Bombay, against Shri C. K. Sampat, clerk, Bank of India, Bombay and others.

[No. 225/6/81-AVD. II]
KALI PRASAD, Under Secy.

वित्त मंत्रालय

(राजस्व विभाग)

नई दिल्ली, 17 जनवरी, 1981

आय-कर

का० आ० 1137.—सर्वसाधारण की जानकारी के लिए अधिसूचित किया जाता है कि विहित प्राधिकारी अर्थात्, भारतीय विकिसा अनुसंधान परिषद नई दिल्ली ने इस विभाग की अधिसूचना स० 1891 और (फा० स० 203/85/77-आई टी० ए० II, नारीख 27 जुलाई, 1971 और 11 मई, 1978 के स्थान पर निम्नलिखित वैज्ञानिक अनुसंधान कार्यक्रम को आयकर अधिनियम, 1961 की धारा 35 की उपधारा, (2A) के प्रयोजनों के लिए अनुमोदित किया है।—

1. वैज्ञानिक अनुसंधान “जनन-अस्पता जन-सख्ता गति कार्यक्रम का नाम की, जनन-जैविकी के कनिपय पक्षों और परिवार नियोजन को, जिसमें णिशु-मृत्यु का गहन अध्ययन भी सम्मिलित है, अपनाने के सामाजिक सांस्कृतिक पक्षों का अनुसंधान”।

2. प्रयोजक (i) खोसला प्लास्टिक्स (प्राइवेट) लिमिटेड ;
(ii) खोसला मेटल वर्स लिं ;
(iii) खोसला इंजीनियरिंग (प्राइवेट) लिमिटेड 40 औंध रोड, पुणे-411003
(iv) मैसर्स पिस्ट्रोनिक्स, पुणे

3. प्रयोजन मूल्य : के० ई० ए० हास्पिटल मैडिकल रिमर्स सेंटर, पुणे।

4. परियोजना की अवधि:—8 वर्ष

5. (i) प्रारम्भ होने की प्रस्तावित तारीख : 1 अप्रैल, 1977.
(ii) पूरा होने की संभावित तारीख 31 मार्च, 1985

6. कुल प्राक्कलित व्यय—90 लाख रुपए (केवल नब्बे लाख रुपए)

उपर्युक्त परियोजना का अनुमोदन, निम्नलिखित शर्तों के अधीन रहते हुए, होगा:—

1. यह कि अनुसंधान केन्द्र, इस अनुसंधान परियोजना के लिए प्राप्त गणियों और उपगत व्यय का, के० ई० ए० हास्पिटल मैडिकल रिसर्च सेंटर, पुणे के अन्य व्यय से यथा सुधार, पृथक लेता रखेगा।

2. यह कि अनुसंधान केन्द्र, इस वैज्ञानिक अनुसंधान परियोजना की वार्षिक विवरणीय परिषद को प्रति वर्ष 31 मई तक ऐसे प्ररूप में प्रस्तुत करेगा, जो इस प्रयाजन के के लिए अधिकारित किया जाए और उसे सूचित किया जाए।

3. यह कि अनुसंधान केन्द्र, ऐसे के वार्षिक संपरीक्षित विवरण की एक प्रति परिषद को प्रति वर्ष 31 मार्च तक प्रस्तुत करेगा और इसके अतिरिक्त इसकी एक प्रति सम्बद्ध आयकर आयक्षण को भेजेगा।

के० ई० ए० हास्पिटल मैडिकल रिसर्च सेंटर पुणे को आय-कर अधिनियम, 1961 की धारा 35(1)(II) के अधीन अनुमोदित कर दिया गया है। वित्त मंत्रालय राजस्व विभाग की अधिसूचना स० 332 (फा० स० 203/9/73 आई० टी० ए० II), तारीख 21 अप्रैल, 1973 देखिए।

[स० 3809/फा० स० 203/301/80 आई० टी० ए० (ii)]

एस० के० पाण्डेय, उप सचिव

MINISTRY OF FINANCE

(Department of Revenue)

New Delhi, the 17th January, 1981

INCOME-TAX

S.O. 1137.—In substitution of this Department's notification No. 1894 and (I).No. 203/85/77 ITA II dated 27th July, 1971 and 11th May, 1978, it is hereby notified for general information that the following scientific research programme has been approved by the prescribed authority, the Indian Council of Medical Research, New Delhi, for the purpose of sub-section (2A) of Section 35 of the Income-tax Act, 1961:-

1

2

1. Name of the Scientific Research Programme	“Research on certain aspects of fertility population dynamics, reproductive biology and socio-cultural aspects of acceptance of family planning including an indepth study of infant mortality”.
2. Sponsored by :	(i) Khosla Plastics (P) Ltd., (ii) Khosla Metal Powers Ltd., (iii) Khosla Engineering (P) Ltd., 40 Aundh Road, Pune-411003. (iv) M/S. Piltronics, Pune
3. Sponsored at :	K.E.M. Hospital Medical Research Centre, Pune.

4. Duration of the Project .	8 Years.
5. (i) Proposed date of Commencement:	1st April, 1977
(ii) Anticipated date of Completion	31st March, 1985
6. Total estimated expenditure	Rs. 90 lakhs. (Rs. Ninety lakhs only).

The approval for the above project will be subject to the following conditions :

1. That the Research Centre will maintain a separate account of the amounts received and expenditure incurred for this research project as distinct from the other expenditure of the K.E.M. Hospital Medical Research Centre, Punc.
2. That the Research Centre will furnish annual returns of this scientific research project to the Council by 31st May each year at the latest in such form as may be laid down and intimated to them for this purpose.
3. That the Research Centre will furnish a copy of the annual audited statement of account to the Council by 31st May each year and in addition to send a copy of it to the concerned Income-Tax Commissioner.

The K.E.M. Hospital Medical Research Centre, Punc, has been approved under Section 35(I) (ii) of the Income-tax Act, 1961 vide Ministry of Finance Department of Revenue Notification No. 332(F.N. No. 203/973-ITA.II) dated the 21st April, 1973.

[No. 3809/F.No.203/301/80-ITA.II]

M. K. PANDEY, Dy. Secy

आदेश

नई दिल्ली, 12 मार्च, 1981

स्टाम्प

फा० आ० 1138.—भारतीय स्टाम्प अधिनियम, 1899 (1899 का 2) की धारा 9 की उपधारा (1) के खण्ड (क) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार एतद्वारा उम शुल्क को माफ करती है, जो कनटिक शक्ति निगम द्वारा वर्ष 1980-81 में जारी किए गए दो करोड़ रुपये मूल्य के ऋणपत्रों पर उक्त अधिनियम के अंतर्गत प्रभार्य है।

[सं० 8/81-स्टाम्प-फा० सं० 33/9/81-वि० क०]

जी० एस० मेहरा, अधर सचिव

ORDER

New Delhi, the 12th March, 1981

STAMPS

S.O. 1138.—In exercise of the powers conferred by clause (a) of sub-section (1) of section 9 of the Indian Stamp Act, 1899 (2 of 1899), the Central Government hereby remits the duty with which the debentures to the value of two crores of rupees, floated by the Karnataka Power Corporation during 1980-81 are chargeable under the said Act.

[No. 8/81-Stamp-F. No. 33/9/81. S.T.]

G. S. MEHRA, Under Secy.

आदेश

नई दिल्ली, 3 अप्रैल, 1981

फा० आ० 1139—भारत सरकार के अपर सचिव ने जिन्ह विदेशी मुद्रा संरक्षण और तस्करी निवारण अधिनियम, 1974 की धारा 3 की उपधारा (1) के अधीन विषेष रूप से मशक्त किया गया है, यथोक्त धारा 3 (1) के अधीन फा० सं० 673/19/80-सी० य० एम० 8, तारीख 31 अक्टूबर, 1980 के अधीन यह निदेश देते हुए आदेश जारी किया था कि श्री ए० एम० एम० साहूस हामिद पुत्र श्री ए० एम० एम० सैयद मोहम्मद 66, मलयायप्पन, स्ट्रीट, मत्ताड़ि, मद्रास 1, को, तस्करी के माल का परिवहन करने या उसे छिपाने या रखने में लगने से अन्यथा तस्करी के माल में व्यवहार करने से उन्हें निवारित करने की दृष्टि से निश्चिन्द्र रखा जाए और केन्द्रीय जेल मद्रास में अभिधारा में रखा जाए, और

2. केन्द्रीय सरकार के पास यह विश्वास करने का कारण है कि पूर्वोक्त व्यक्ति फरार हो गया है या उसने स्वयं को इस प्रकार छिपा रखा है कि आदेश निष्पादित नहीं किया जा सकता है,

3. केन्द्रीय सरकार, विदेशी मुद्रा संरक्षण और तस्करी निवारण अधिनियम, 1974 की धारा 7 (1) (ख) के अधीन शक्तियों का प्रयोग करते हुए, निदेश देती है कि पूर्वोक्त व्यक्ति, इस आदेश के गजपत्र में प्रकाशन की तारीख से भात दिन के भीतर परिस आयुक्त, मद्रास के समक्ष उपस्थित हो।

[फा० सं० 673/19/80-सी० य० एम० VIII]

एन० आई० रामानाथन, अधर सचिव

ORDER

New Delhi, the 3rd April, 1981

S.O. 1139.—Whereas Additional Secretary to the Government of India, specially empowered under sub-section (1) of section 3 of the Conservation of Foreign Exchange and Prevention of Smuggling Activities Act, 1974 issued Order F. No. 673/19/80-Cus. VIII, dated the 31st October, 1980 under section 3(1) ibid directing that Shri A.M.S. Sahul Hameed, son of Shri A.M.S. Syed Mohamed, 66, Malayappan Street, Madras be detained and kept in custody in the Central Prison Madras with a view to preventing him from dealing in smuggled goods otherwise than by engaging in transporting or concealing or keeping smuggled goods; and

2. Whereas, the Central Government has reason to believe that the aforesaid person has absconded or is concealing himself so that the order cannot be executed;

3. The Central Government, in exercise of powers under section 7(1) (b) of the Conservation of Foreign Exchange and Prevention of Smuggling Activities Act, 1974, hereby direct the aforesaid person to appear before the Commissioner of Police, Madras within 7 days of the publication of this Order in Official Gazette.

[F. No. 673/19/80-Cus.VIII]

N. I. RAMANATHAN, Under Secy.

(आर्थिक कार्य विभाग)

नई दिल्ली, 20 मार्च, 1981

(बैंकिंग प्रभाग)

का० आ० 1140.--भारतीय स्टेट बैंक (अनुसारी बैंक अधिनियम, 1959 (1959 का 38) की धारा 25 की उपधारा (1) के खंड (ङ) द्वारा प्रदत्त व्यक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार, भारतीय स्टेट बैंक के परामर्श में, एन्ड्रद्वारा विभा भवालय, आर्थिक कार्य विभाग (बैंकिंग प्रभाग) के उप उचित, श्री के० के० मिश्र को श्री वी० वी० पटनायक के स्थान पर स्टेट बैंक आफ हैदराबाद के निदेशक के रूप में नामित करती है।

[सं० एफ० 8/2/81-वीओ I]

(Department of Economic Affairs)

New Delhi, the 20th March, 1981

(Banking Division)

S.O. 1140.--In exercise of the powers conferred by clause (e) of sub-section (1) of section 25 of the State Bank of India (Subsidiary Banks) Act, 1959 (38 of 1959), the Central Government, in consultation with the State Bank of India, hereby nominates Shri K. K. Misra, Deputy Secretary, Ministry of Finance, Department of Economic Affairs (Banking Division), New Delhi to be a Director of the State Bank of Hyderabad vice Shri B. C. Patnaik.

[No. F. 8/2/81-BO-I]

का० आ० 1141.--गण्डीयकृत बैंक (प्रबन्ध और प्रकीर्ण उपबन्ध) स्कीम, 1980 के खंड 8 के उपखण्ड (1) के साथ पठित खण्ड 3 के उपखण्ड (क) के अनुसरण में, केन्द्रीय सरकार, भारतीय रिजर्व बैंक से परामर्श करने के पश्चात् एन्ड्रद्वारा, श्री आर० विजयराघवन को 23 मार्च, 1981 से आरम्भ होकर 22 मार्च, 1984 को समाप्त होने वाली अवधि के लिए विजया बैंक के प्रबन्ध निदेशक के रूप में नियुक्त करती है।

[सं० एफ० 9/35/80-वी ओ-I (1)]

S.O. 1141.--In pursuance of sub-clause (a) of clause 3, read with sub-clause (1) of clause 8, of the Nationalised Banks (Management and Miscellaneous Provisions) Scheme, 1980, the Central Government, after consultation with the Reserve Bank of India, hereby appoints Shri R. Vijayaraghavan as the Managing Director of Vijaya Bank for the period commencing on 23rd March, 1981 and ending with 22nd March, 1984.

[No. F. 9/35/80 BO-I (1)]

का० आ० 1142.--गण्डीयकृत बैंक (प्रबन्ध और प्रकीर्ण उपबन्ध) स्कीम, 1980 के खण्ड 7 के साथ पठित खण्ड 5 के उपखण्ड (1) के अनुसरण में, केन्द्रीय सरकार, भारतीय रिजर्व बैंक से परामर्श करने के पश्चात् एन्ड्रद्वारा, श्री आर० विजयराघवन को, जिन्हें 23 मार्च, 1981 से

विजया बैंक का प्रबन्ध निदेशक नियुक्त किया गया है, उसी नारीद्वारा से विजया बैंक के निदेशक मण्डल के अध्यक्ष के रूप में नियुक्त करती है।

[सं० एफ० 9/35/80-वी ओ-I (2)]

S.O. 1142.--In pursuance of sub-clause (1) of clause 5, read with clause 7 of the Nationalised Banks (Management and Miscellaneous Provisions) Scheme, 1980, the Central Government, after consultation with the Reserve Bank of India, hereby appoints Shri R. Vijayaraghavan, who has been appointed as the Managing Director of Vijaya Bank with effect from 23rd March, 1981 to be the Chairman of the Board of Directors of the Vijaya Bank with effect from the same date.

[No. F. 9/35/80 BO-I (2)]

का० आ० 1143.--यह : गण्डीयकृत बैंक (प्रबन्ध और प्रकीर्ण उपबन्ध) स्कीम, 1980 के खण्ड 3 के अधीन गण्डीयकृतबैंक, विजया बैंक के निदेशक मण्डल का गठन किया जाना है;

अतः उक्त स्कीम के अनुसरण में, केन्द्रीय सरकार विजया बैंक के निदेशक मण्डल का 23 मार्च, 1981 से गठन करती है— और

(क) निम्नलिखित मान्यता के कालम (1) में विनिर्दिष्ट व्यक्ति को ऋक्षः उक्त सारणी के कालम (2) में तत्पारी प्रविटि में विनिर्दिष्ट अवधि के लिए प्रबन्ध निदेशक और (ग) निम्नलिखित सारणी-ख में विनिर्दिष्ट व्यक्ति को उक्त बैंक का निदेशक नियुक्त करती है।

सारणी-क

	(1)	(2)
श्री आर० विजयराघवन	23 मार्च, 1981 से,	खंड 3 के उपखण्ड (क) के आरम्भ होकर 22 मार्च 1984 को समाप्त होने वाली अवधि के लिए।

सारणी-ख

1 श्री वी० के० दीक्षित, संयुक्त उचित, आर्थिक कार्य विभाग (बैंकिंग प्रभाग), नई दिल्ली खंड 3 के उपखण्ड (ज) के अनुसरण में

[सं० एफ० 9/35/80-वी ओ-I (3)]

S.O. 1143.--Whereas a Board of Directors of Vijaya Bank, a nationalised bank, is to be constituted under clause (3) of the Nationalised Banks (Management and Miscellaneous Provisions) Scheme, 1980;

Now, therefore, in pursuance of the said Scheme, the Central Government hereby constitutes the Board of Directors of Vijaya Bank with effect from 23rd March, 1981 and appoints—

(a) the person specified in column (1) of Table A below as the Managing Director of the said Bank for the respective period specified in the corresponding entry in column (2) of the said Table; and

(b) the person specified in Table B below as the Director of the said Bank

TABLE A

(1)	(2)
Shri R. Vijayaraghavan,	For the period commencing on
Managing Director—in pursuance of sub-clause (a) of clause 3.	23rd March, 1981 and ending with 22nd March, 1983.

TABLE B	
Shri V.K. Dikshit, Joint Secretary, Ministry of Finance, Department of Economic Affairs, (Banking Division), New Delhi.	—in pursuance of sub-clause (h) of clause 3.

[No. F. 9/35/80-BO.I(3)]

नई दिल्ली, 23 मार्च, 1981

का० आ० 1144.—यह : राष्ट्रीयकृत बैंक विजया बैंक के निदेशक मण्डल का गठन राष्ट्रीयकृत बैंक (प्रबन्ध और प्रकीर्ण उपबंध) स्कीम, 1980 के खण्ड 3 के अधीन किया जा चुका है।

अतः अब उक्त स्कीम के खण्ड 4 के अनुसरण में एतद्वारा यह अधिसूचित किया जाता है कि विजया बैंक के अधिकारी (कस्टोडियन) जोकि निदेशक मण्डल के गठन से ठीक पहले उक्त हैसियत में पदासीन थे, तत्काल प्रभावी रूप से उक्त पद पर नहीं रहे।

[सं० एफ० 9/35/80-बी० ओ०-१ (4)]

च० वा० मीरचन्दानी

New Delhi, the 23rd March, 1981

S.O. 1144.—Whereas the Board of Directors of Vijaya Bank, a nationalised bank, has been constituted under clause 3 of the Nationalised Banks (Management and Miscellaneous Provisions) Scheme, 1980;

Now, therefore, it is hereby notified in pursuance of clause 4 of the said Scheme that the Custodian of Vijaya Bank, holding office as such immediately before the constitution of the Board, has ceased to hold such office with immediate effect.

[No. F. 9/35/80-BO. I-4]

C. W. MIRCHANDANI, D.V. Secy.

नई दिल्ली, 25 मार्च, 1981

का० आ० 1145.—प्रादेशिक ग्रामीण बैंक अधिनियम, 1976 (1976 का 21) वी धारा 11 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार, एतद्वारा श्री आर० पी० मिह० को तुलसी ग्रामीण बैंक, बांदा का अध्यक्ष नियुक्त करती है तथा 26-3-1981 से प्रारम्भ होकर 25-3-1984 को समाप्त होने वाली अवधि को उस अवधि के रूप में निर्धारित करती है जिसके दौरान श्री आर० पी० मिह० ग्रामीण बैंक, छपरा का अध्यक्ष नियुक्त करती है तथा 28-3-1981

[सं० एफ० 1-23/80-आर० आर० बी०]

New Delhi, the 25th March, 1981

S.O. 1145.—In exercise of the powers conferred by sub-section (1) of section 11 of the Regional Rural Bank Act, 1976 (1976 का 21) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार, एतद्वारा श्री बी० सी० गुप्त को सारण ग्रामीण बैंक, छपरा का अध्यक्ष नियुक्त करती है तथा 28-3-1981

1976 (21 of 1976), the Central Government hereby appoints Shri R. P. Singh as the Chairman of the Tulsi Gramin Bank, Banda and specifies the period commencing on the 26th March, 1981 and ending with the 25th March, 1984 as the period for which the said Shri R. P. Singh shall hold office as such Chairman.

[No. F. 1-23/80-RRB]

नई दिल्ली, 26 मार्च, 1981

का० आ० 1146.—प्रादेशिक ग्रामीण बैंक अधिनियम, 1976 (1976 का 21) की धारा 11 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार, एतद्वारा श्री पी० बी० माथुर को गोपालगंज क्षेत्रीय ग्रामीण बैंक, गोपालगंज का अध्यक्ष नियुक्त करती है तथा 27-3-81 से प्रारम्भ होकर 26-3-1984 को समाप्त होने वाली अवधि को उस अवधि के रूप में निर्धारित करती है जिसके दौरान श्री पी० बी० माथुर अध्यक्ष के रूप में कार्य करेंगे।

[सं० एफ० 1-5/81-आर० आर० बी०]

New Delhi, the 26th March, 1981

S.O. 1146.—In exercise of the powers conferred by sub-section (1) of section 11 of the Regional Rural Banks Act, 1976 (1976 का 21), the Central Government hereby appoints Shri P. B. Mathur as the Chairman of the Gopalganj Kshetriya Gramin Bank, Gopalganj and specifies the period commencing on the 27th March, 1981 and ending with the 26th March, 1984 as the period for which the said Shri P. B. Mathur shall hold office as such Chairman.

[No. F. 1-5/81-RRB]

नई दिल्ली, 27 मार्च, 1981

का० आ० 1147.—प्रादेशिक ग्रामीण बैंक अधिनियम, 1976 (1976 का 21) की धारा 11 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा श्री जी० सी० शर्मा को शिवपुरी-गुना क्षेत्रीय ग्रामीण बैंक शिवपुरी का अध्यक्ष नियुक्त करती है तथा 28-3-1981 से प्रारम्भ होकर 27-3-1984 को समाप्त होने वाली अवधि को उस अवधि के रूप में निर्धारित करती है जिसके दौरान श्री जी० सी० शर्मा अध्यक्ष के रूप में कार्य करेंगे।

[सं० एफ० 1-25/79-आर० आर० बी०]

New Delhi, the 27th March, 1981

S.O. 1147.—In exercise of the powers conferred by sub-section (1) of section 11 of the Regional Rural Banks Act, 1976 (1976 का 21), the Central Government hereby appoints Shri G. C. Sharma as the Chairman of the Shivpuri-Guna Kshetriya Gramin Bank, Shivpuri and specifies the period commencing on the 28th March, 1981 and ending with the 27th March, 1984 as the period for which the said Shri G. C. Sharma shall hold office as such Chairman.

[No. F. 1-25/79 RRB]

का० आ० 1148.—प्रादेशिक ग्रामीण बैंक अधिनियम 1976 (1976 का 21) की धारा 11 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार, एतद्वारा श्री बी० सी० गुप्त को सारण ग्रामीण बैंक, छपरा का अध्यक्ष नियुक्त करती है तथा 28-3-1981

से प्रारम्भ होकर 27-3-1984 को समाप्त होने वाली अवधि को उस अवधि के रूप में निर्धारित करती है जिसके दौरान श्री बी० सी० गुप्त अध्यक्ष के रूप में कार्य करेंगे।

[संख्या एफ० 1-3/81-प्रार०आर०बी०]

S.O. 1148.—In exercise of the powers conferred by sub-section (1) of section 11 of the Regional Rural Banks Act, 1976 (21 of 1976), the Central Government hereby appoints Shri B. C. Gupta as the Chairman of the Saran Kshetriya Gramin Bank, Chapra and specifies the period commencing on the 28th March, 1981 and ending with the 27th March, 1984 as the period for which the said Shri B. C. Gupta shall hold office as such Chairman.

[No. F. 1-3/81-RRB]

नई दिल्ली, 28 मार्च, 1981

का० आ० 1149.—प्रादेशिक ग्रामीण बैंक अधिनियम, 1976 (1976 का 21) की धारा 11 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार, एतद्वारा श्री पी० नरसिंह मूर्ति को ऐटा ग्रामीण बैंक ऐटा का अध्यक्ष नियुक्त करती है तथा 29 मार्च, 1981 से प्रारम्भ होकर 28 मार्च, 1984 को समाप्त होने वाली अवधि को उस अवधि के रूप में निर्धारित करती है जिसके दौरान श्री पी० नरसिंह मूर्ति अध्यक्ष के रूप में कार्य करेंगे।

[संख्या एफ० 1-27/80-प्रार०आर०बी०]

New Delhi, the 28th March, 1981

S.O. 1149.—In exercise of the powers conferred by sub-section (1) of section 11 of the Regional Rural Banks Act, 1976 (21 of 1976), the Central Government hereby appoints Shri P. Narasimha Murthy as the Chairman of the Damoh-Sagar Gramin Bank, Etah and specifies the period commencing on the 29th March, 1981 and ending with the 28th March, 1984 as the period for which the said Shri P. Narasimha Murthy shall hold office as such Chairman.

[No. F. 1-27/80-RRB]

का० आ० 1150.—प्रादेशिक ग्रामीण बैंक अधिनियम, 1976 (1976 का 21) की धारा 11 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार, एतद्वारा श्री पी० रंजन को दमोह-पन्ना-सागर क्षेत्रीय ग्रामीण बैंक दमोह का अध्यक्ष नियुक्त करती है तथा 30-3-1981 से प्रारम्भ होकर 29-3-1984 को समाप्त होने वाली अवधि को उस अवधि के रूप में निर्धारित करती है जिसके दौरान श्री पी० रंजन अध्यक्ष के रूप में कार्य करेंगे।

[सं० एफ० 1-32/80 आर०आर०बी०]

S.O. 1150.—In exercise of the powers conferred by sub-section (1) of section 11 of the Regional Rural Banks Act, 1976 (21 of 1976). The Central Government hereby appoints Shri P. Ranjan as the Chairman of the Damoh-Panna-Sagar Kshetriya Gramin Bank, Damoh and specifies the period commencing on the 30th March, 1981 and ending with the 29th March, 1984 as the period for which the said Shri P. Ranjan shall hold office as such Chairman.

[No. F. 1-32/80-RRB]

का०आ० 1151.—प्रादेशिक ग्रामीण बैंक अधिनियम, 1976 (1976 का 21) की धारा 11 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार, एतद्वारा श्री ए० को ए० कादर को गोमती ग्रामीण बैंक जौनपुर का अध्यक्ष नियुक्त करती है तथा 30 मार्च, 1981 से प्रारम्भ होकर 29 मार्च, 1984 को समाप्त होने वाली अवधि को उस अवधि के रूप में निर्धारित करती है जिसके दौरान श्री ए० को ए० कादर अध्यक्ष के रूप में कार्य करेंगे।

[सं० एफ० 1-34/80-प्रार०आर०बी०]

S.O. 1151.—In exercise of the powers conferred by sub-section (1) of section 11 of the Regional Rural Banks Act, 1976 (21 of 1976), the Central Government hereby appoints Shri A. K. A. Kadar as the Chairman of the Gomti Gramin Bank, Jaunpur and specifies the period commencing on the 30th March, 1981 and ending with the 29th March, 1984 as the period for which the said Shri A. K. A. Kadar shall hold office as such Chairman.

[No. F. 1-34/80-RRB]

नई दिल्ली, 30 मार्च, 1981

का० आ० 1152.—प्रादेशिक ग्रामीण बैंक अधिनियम, (1976 का 21) की धारा 11 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार, एतद्वारा श्री ए० के० चक्रवर्ती को कछार ग्रामीण बैंक सिलचर का अध्यक्ष नियुक्त करती है तथा 31-3-1981 से प्रारम्भ होकर 30-3-1984 को समाप्त होने वाली अवधि को उस अवधि के रूप में निर्धारित करती है जिसके दौरान श्री ए० के० चक्रवर्ती अध्यक्ष के रूप में कार्य करेंगे।

[सं० एफ० 1-19/80-प्रार०आर०बी०]

New Delhi, the 30th March, 1981

S.O. 1152.—In exercise of the powers conferred by sub-section (1) of section 11 of the Regional Rural Banks Act, 1976 (21 of 1976) the Central Government hereby appoints Shri S. K. Chakraborty as the Chairman of the Cachar Gramin Bank, Sitarchar and specifies the period commencing on the 31st March, 1981 and ending with the 30th March, 1984 as the period for which the said Shri S. K. Chakraborty shall hold office as such Chairman.

[No. F. 1-19/80-RRB]

का०आ० 1153.—प्रादेशिक ग्रामीण बैंक अधिनियम, 1976 (1976 का 21) की धारा 11 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार, एतद्वारा श्री वीरेन्द्र सिंह को सिवान क्षेत्रीय ग्रामीण बैंक का अध्यक्ष नियुक्त करती है तथा 31 मार्च, 1981 से प्रारम्भ होकर 30 मार्च, 1984 को समाप्त होने वाली अवधि को उस अवधि के रूप में निर्धारित करती है जिसके दौरान श्री वीरेन्द्र सिंह अध्यक्ष के रूप में कार्य करेंगे।

[संख्या एफ० 1-4/81-प्रार०आर०बी०]

इन्द्रानी सेन, अवर सचिव

S.O. 1153.—In exercise of the powers conferred by sub-section (1) of section 11 of the Regional Rural Banks Act, 1976 (21 of 1976), the Central Government hereby appoints Shri Birendar Singh as the Chairman of the Siwan Kshetriya Gramin Bank, Siwan and specifies the period commencing on the 31st March, 1981 and ending with the 30th March, 1984 as the period for which the said Shri Birendar Singh shall hold office as such Chairman.

[No. F. 1-4/81-RRB]

INDRANI SEN, Under Secy.

नई दिल्ली, 25 मार्च, 1981

का०आ० 1154.—बैंककारी विनियमन अधिनियम, 1949 (1949 का 10) की धारा 53 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार, भारतीय रिजर्व बैंक की सिफारिश पर, एतद्वारा यह घोषणा करती है कि उक्त अधिनियम की धारा 19(2) के उपबन्ध इस अधिसूचना की तारीख से 1 वर्ष की अवधि तक यूनाइटेड बैंक आफ इंडिया, कलकत्ता पर उस सीमा तक लागू नहीं होंगे जहाँ तक इनका संबन्ध इसकी भारतीय अनुसंधान संस्थान (प्राइवेट) लिमिटेड की ओर पर धारिता से है।

[संख्या 15(7)/81-बी०आ०-III]

New Delhi, the 25th March, 1981

S.O. 1154.—In exercise of the powers conferred by section 53 of the Banking Regulation Act, 1949 (10 of 1949), the Central Government on the recommendation of the Reserve Bank of India, hereby declares that the provisions of section 19(2) of the said Act shall not apply for a period of one year from the date of this notification to the United Bank of India, Calcutta insofar as they relate to its holding of the shares in Indian Research Institute (Pvt.) Ltd., Calcutta.

[No. 15(7)/81-B.O. III]

नई दिल्ली, 28 मार्च, 1981

का०आ० 1155.—बैंककारी विनियमन अधिनियम, 1949 (1949 का 10) की धारा 53 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार, भारतीय रिजर्व बैंक की सिफारिश पर, एतद्वारा यह घोषणा करती है कि उक्त अधिनियम की धारा 10 वर्ष की उत्तराधारा (1) और (2) के उपबन्ध धनलक्ष्मी बैंक लिमिटेड, तिचूर पर 3 महीने के लिए 21 मार्च, 1981 तक, अथवा उक्त बैंक में अगले पूर्णकालिक अध्यक्ष की नियुक्त होने तक, इन दोनों में से जो भी पहले हो, उस तारीख तक लागू नहीं होंगे।

[संख्या 15/6/81-बी०आ०-III]

एन०डी० बत्रा, अवर सचिव

New Delhi, the 28th March, 1981

S.O. 1155.—In exercise of the powers conferred by Section 53 of the Banking Regulation Act, 1949 (10 of 1949), the Central Government, on the recommendations of the Reserve Bank of India, hereby declares that the provisions of sub-sections (1) and (2) of Section 108 of the said Act, shall not apply to the Dhanalakshmi Bank Ltd., Trichur for 3 months upto 21st April 1981 or till the appointment of the next wholetime Chairman of that bank, whichever is earlier.

[No. 15(6)/81-B.O. III]

N. D. BATRA, Under Secy.

केन्द्रीय उत्पाद शुल्क एवं सीमाहर्ता लिय,

पश्चिम बंगाल

केन्द्रीय उत्पाद शुल्क

कलकत्ता, 1 जनवरी, 1981

का०आ० 1156.—केन्द्रीय उत्पाद-शुल्क नियमावली, 1944 के नियम 5 के अधीन मुझे दी गई शक्तियों का प्रयोग करते हुए, मैं इसके द्वारा केन्द्रीय उत्पाद-शुल्क समाहर्ता लिय-बंगाल, कलकत्ता में अनुशासन प्राधिकारियों को, अपने संबंधित क्षेत्राधिकार में उत्पाद शुल्क भारतीयों के विनियमावली के उत्पादन स्थल के अनुमोदन करने के लिए केन्द्रीय उत्पाद-शुल्क नियम, 44 के नियम 9 के उप-नियम (1) के अधीन समाहर्ता के अधिकार के प्रयोग के लिए प्राधिकृत करता हूँ।

[अधिसूचना सं० 1/के०उ०/प०ब०/81 फा०सं० 4 (16) 2
6—के०उ०/प०ब०/80]

एस० मुख्यपाध्याय, समाहर्ता,
केन्द्रीय उत्पाद शुल्क एवं सीमा शुल्क

Collectorate of Central Excise & Customs, West Bengal

Calcutta, the 1st January, 1981

CENTRAL EXCISE

S.O. 1156.—In exercise of the powers conferred on me under Rule 5 of the Central Excise Rules, 1944, I hereby authorise the licensing authorities in the Collectorate of Central Excise, West Bengal, Calcutta to exercise the powers of the Collector under Sub-rule (1) of Rule 9 of Central Excise Rule, 1944 in their respective jurisdictions to approve the place of production etc. of the manufacturer of excisable goods.

[Notification No. 1/CE(WB)81/No. IV (16) 26-CE(WB)80]

S. MUKHOPADHYAY, Collector, Central Excise & Customs

केन्द्रीय उत्पाद-शुल्क समाहर्ता का कार्यालय

का०आ० 1157.—केन्द्रीय उत्पाद शुल्क नियमावली, 1944 के नियम 5 के अधीन प्रदत्त शक्तियों का प्रयोग करते हुए मैं, केन्द्रीय उत्पाद शुल्क समाहर्ता लिय-II के सहायक समाहर्ताओं को, उनके अपने-अपने क्षेत्राधिकार में, केन्द्रीय उत्पाद शुल्क नियमावली, 1944 के नियम 56-C के अधीन समाहर्ता की शक्तियों का प्रयोग करने के लिए प्राधिकृत करता हूँ।

[अधिसूचना सं० के०उ०शु० (प्रार) /2/81 फा०सं० 5-30 (41) /

विविध/बम्ब. II/78]

विजय कुमार गुप्ता, समाहर्ता

Officer of the Collector of Central Excise

Bombay, the 25th March, 1981

S.O. 1157.—In exercise of the powers conferred on me under rule 5 of the Central Excise Rules, 1944, I empower the Assistant Collectors of Central Excise in Bombay-II Collectorate to exercise within their respective jurisdictions the powers of the Collector of Central Excise under rule 56-C of the Central Excise Rules, 1944.

[Notification No. CE(R)Z/81/F.No V-30(41) Misc/Bom/II/79]

V. K. GUPTA, Collector

केन्द्रीय प्रत्यक्ष कर बोर्ड

नई दिल्ली, 6 सितम्बर, 1980

आयकर

का०आ० 1158.—केन्द्रीय प्रत्यक्ष कर बोर्ड की अधिसूचना सं० 3635 (फा०सं० 261/20/80-आई०टी०जे०), तारीख 25 अगस्त, 1980 में, आयकर आयुक्त (अपील), कोयम्बटूर की अधिकारिता के लिए क्रमशः निम्नलिखित जोड़ा और हटाया जाएगा:—

1. अनुसूची के स्तम्भ 3 के नीचे आयकर आयुक्त (अपील) कोयम्बटूर के सामने निम्नलिखित जोड़ा और हटाया जाएगा :

निम्नलिखित जोड़ा जाएगा:—

“सहायक आयकर आयुक्त (निरीक्षण) (सहा०) I सेलम सहायक आयकर आयुक्त (निरीक्षण) (सहा०) II सेलम”

निम्नलिखित हटाया जाएगा:—

सहायक आयुक्त (निरीक्षण) (सहा०) सेलम”

2. अनुसूची के स्तम्भ 2 के नीचे आयकर आयुक्त (अपील) कोयम्बटूर के सामने “मद सं० 26-कोयम्बटूर के सभी केन्द्रीय सर्किल” प्रविष्टि के पश्चात् निम्नलिखित जोड़ा जाएगा :

“27 नगर सर्किल III” कोयम्बटूर”

यह अधिसूचना 1-9-1980 को प्रभावी होगी।

[सं० 3649/फा०सं० 261/20/80-आई०टी०जे०]

CENTRAL BOARD OF DIRECT TAXES

New Delhi, the 6th September, 1980

INCOME TAX

S.O. 1158.—In the notification of Central Board of Direct-Taxes No. 3635 (F. No. 261/20/80-ITI) dated the 25th August, 1980 for the jurisdiction of Commissioner of Income-tax (Appeals) Coimbatore, the following shall be added and deleted respectively :—

1. In the Schedule under Column 3 against the Commissioner of Income-tax (Appeals) Coimbatore the following shall be added and deleted.

Add.

“Inspecting Assistant Commissioner of Income-tax (Asstt.) I Salem.”

Inspecting Assistant Commissioner of Income-tax (Asstt.) II Salem”.

Delete

“IAC (Asstt) Salem”

2. In the Schedule under column 2 against Commissioner of Income-tax (Appeal) Coimbatore the following entry after “item No. 26-All Central Circle at Coimbatore” shall be added :

“27 City Circle-III” Coimbatore”

This notification shall take effect from 1-9-1980.

[No. 3649/F. No. 261/20/80-IT]

का०आ० 1159.—केन्द्रीय प्रत्यक्ष कर बोर्ड, आयकर अधिनियम, 1961 (1961 का 43) की धारा 121-क की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए और इससे पूर्व जारी सभी अधिसूचनाओं को अधिकान्त करते हुए यह निदेश देता है कि नीचे अनुसूची के स्तम्भ(1) में विनिर्दिष्ट भारतीयानां के आयकर आयुक्त (अपील), उसके स्तम्भ (2) और (3) में तत्संबन्धी प्रविष्टियों में विनिर्दिष्ट आयकर वाड़ी, सर्किल, जिलों और रेंजों में आयकर या अतिकर या व्याज कर से निर्धारित ऐसे व्यक्तियों के बारे में, जो आयकर अधिनियम 1961 की उपधारा 246 की उपधारा (2) के खण्ड (क) से (ज) तक, कम्पनी (लाभ) अनिकर अधिनियम, 1964 (1964 का 7) की धारा II की उपधारा (1) और व्याज-कर अधिनियम, 1974 (1974 का 45) की धारा 15 की उपधारा (1) में उल्लिखित किसी भी आदेशों से व्यष्टि हैं, और ऐसे व्यक्तियों या व्यक्तिवर्ग की बाबत भी, जिनके लिए बोर्ड ने आयकर अधिनियम, 1961 की धारा 246 की उपधारा (2) के खण्ड (1) के उपवन्धों के अनुसार निदेश दिया है या भविष्य में निदेश दे, कृत्यों का पालन करेंगे ।

अनुसूची

भारतीयानां और मुख्यालय	आयकर वाड़ी सर्किल और जिले	सहायक-आयकर आयुक्त (निरीक्षण)
1	2	3
आयकर आयुक्त (अपील)-1, कानपुर (वर्तमान वाड़ी)	1. सर्किल-II, कानपुर (सभी वाड़ी)	1. आयकर आयुक्त आगरा की अधिकारिता के भीतर सभी रेंजे ।
मुख्यालय आगरा)	2. सर्किल-III, कानपुर (सभी वाड़ी)	2. आयकर आयुक्त, कानपुर की अधिकारिता के भीतर सभी रेंजे
	3. कम्पनी सर्किल कानपुर (सभी सर्किल/वाड़ी)	3. कम्पनी सर्किल उनको छोड़कर जो कानपुर (सभी सर्किल/वाड़ी)
		ग्राम्यकर आयुक्त (अपील) II कानपुर को समनु- देशित की गई है ।
		4. वेतन सर्किल, कानपुर (सभी वाड़ी/सर्किल)
		5. बांदा सर्किल (सभी वाड़ी)
		6. आयकर आयुक्त, आगरा वी अधिकारिता के भीतर (सभी वाड़ी/सर्किल)

1	2	3
आयकर आयुक्त (अपील)-II, कानपुर	1. मर्किल-I, कानपुर (सभी वार्ड)	1. सहायक आयकर आयुक्त (निरीक्षण) (महा०) रेंज-1,
	2. केन्द्रीय सर्किल, कानपुर कानपुर (सभी वार्ड/सर्किल)	2. सहायक आयकर आयुक्त (निरीक्षण) रेंज-2, कानपुर
		3. सहायक आयकर आयुक्त (निरीक्षण) घ-रेंज, कानपुर
		4. आयकर आयुक्त (केन्द्रीय) कानपुर की अधिकारिता के भीतर सभी रेंज।

जहाँ कोई आयकर सर्किल, वार्ड या ज़िला या उसका भाग इस अधिसूचना द्वारा एक भारसाधन से किसी अन्य भारसाधन को अन्तरित हो जाता है, वहाँ उस आयकर सर्किल, वार्ड या ज़िले या उसके भाग में किए गए निर्धारणों से उत्पन्न होने वाली और उस भारसाधन के, जिससे वह आयकर सर्किल, वार्ड या ज़िला या उसका भाग अन्तरित हुआ है, आयकर आयुक्त के समक्ष इस अधिसूचना की तारीख से ठीक पूर्व लंबित अपीलें उस तारीख से जिस तारीख को यह अधिसूचना प्रभावी होनी है, उस भारसाधन के, जिसको उक्त सर्किल, वार्ड या ज़िला या उसका भाग अन्तरित हुआ है, आयकर आयुक्त को अन्तरित की जाएगी और उसके द्वारा उन पर कार्यवाही की जाएगी।

यह अधिसूचना 15-9-1980 से प्रभावी होगी।

[सं० 3650/फा०मं० 261/21/80-आई० टी०जे०]

S.O. 1159.—In exercise of the powers conferred by sub-section (i) of section 121-A of the Income-tax Act, 1961 (43 of 1961) and in supersession of all notifications issued earlier the Central Board of Direct Taxes hereby directs that the Commissioner of Income-tax (Appeals) of the charges specified in Col. No. (1) of the Schedule below, shall perform their functions in respect of such persons assessed to Income-tax or Sur-tax or Interest Tax in the Income-tax Wards, Circles, Districts and Ranges specified in the corresponding entries in Col. (2) and (3) thereof as are aggrieved by any of the orders mentioned in clauses (a) to (h) of sub-section (2) of section (2) of section 246 of the Income-tax Act, 1961 in sub-section (1) of Section II of Companies (Profits) Sur-tax Act, 1964 (7 of 1964) and in sub-section (1) of Section 15 of the Interest Tax Act, 1974 (45 of 1974) and also in respect of such persons or clauses of persons as the Board has directed or may direct in future in accordance with the provisions of clause (1) of sub-section (2) of Section 246 of the Income-tax Act, 1961.

SCHEDULE

Charges with headquarters	Income-tax Ward/Circles and Districts	Ranges of Inspector Assistant Commissioner of Income-tax
1	2	3
Commissioner of Income-tax (Appeals)-I, Kanpur (presently headquarters at Agra.)	1. Circle-II, Kanpur (All Wards) 2. Circle-III, Kanpur (All wards) 3. Company Circle, Kanpur (All circles/wards) 4. Salary Circle, Kanput (All wards/circles) 5. Banda Circles(all wards). 6. All Wards/Circles within the Jurisdiction of CIT, Agra.	1. All ranges within the jurisdiction of Commissioner of Income-tax, Agra. 2. All ranges within the jurisdiction of Commissioner of Income-tax, Kanpur excluding those assigned to Commissioner (Appeals), Kanpur
Commissioner of Income-tax (Appeals)-II, Kanpur	1. Circle-I Kanpur (All wards) 2. Central Circles, Kanput (All wards/Circles)	1. Inspecting Assistant Commissioner of Income-tax (Asstt. Range-I, Kanpur). 2. Inspecting Asstt. Commissioner of Income-tax, Range-II, Kanpur.
		3. Inspecting Assistant Commissioner of Income-tax D-Range, Kanpur.
		4. All ranges within the jurisdiction of Commissioner of Income-tax (Central, Kanpur).

Whereas the Income-tax Circle, Ward or District or part thereof stands transferred by this notification from one charge to another charge appeals arising out of the assessments made in that Income-tax Circle, Ward or District or part thereof and pending immediately before the date of this notification before the Commissioner of Income-tax of the charge from whom the Income-tax Circle, Ward or District or part thereof is transferred shall from the date of this notification takes effect be transferred to and dealt with by the Commissioner of Income-tax of the charge to whom the said Circle, Ward or District or part thereof is transferred.

This notification shall take effect from 15-9-1980.

[No. 3650/F.No. 261/21/80-ITJ]

नई दिल्ली, 18 सितम्बर, 1980

का०आ० 1160.—केन्द्रीय प्रत्यक्ष कर बोर्ड, आयकर अधिनियम, 1961 (1961 का 43) की धारा 122 की उपधारा (1) द्वारा प्रवक्तियों का प्रश्नोग करते हुए, और इस संबंध में सभी पूर्व अधिसूचना को अधिकारित करने हुए, निदेश देता है कि नीचे अनुसूची के स्तरम् (1) में विनियिष्ट रेंजों के सहायक आयकर आयुक्त (अपील), उसके स्तरम् (2) में तत्संबंधी प्रवक्तियों में विनियिष्ट आयकर सर्किलों, वार्डों और ज़िलों में आयकर से निर्धारित ऐसे सभी व्यक्तियों और आयकर की वाचन, आयकर से निर्धारित उन सभी व्यक्तियों और आयकर की वाचन, आयकर से निर्धारित उन सभी व्यक्तियों और आयकर की वाचन, आयकर से निर्धारित उन सभी व्यक्तियों और आयकर की वाचन, आयकर से निर्धारित उन सभी व्यक्तियों का पालन करेंगे।

अनुसूची

क्रम सं.	रेज रेज	आय-कर संकिल वार्ड और जिले
1	2	
1.	सहायक आय-कर आयुक्त (अपील) "क" रेज, जोधपुर।	1. केन्द्रीय संकिल, जोधपुर 2. विशेष अन्वेषण संकिल-1, जोधपुर 3. विशेष अन्वेषण संकिल-2, जोधपुर 4. विशेष सर्वेक्षण संकिल, जोधपुर 5. पाली और सुमेरपुर के सभी वार्ड।
2.	सहायक आय-कर आयुक्त (अपील) "ख" रेज, जोधपुर।	1. जोधपुर के क, ख, ग, घ, ड और च वार्ड। 2. जालोर के सभी वार्ड
3.	सहायक आय-कर आयुक्त (अपील), उदयपुर रेज, उदयपुर।	निम्नलिखित स्थानों पर सभी वार्ड/संकिल 1. उदयपुर 2. चित्तोड़गढ़ 3. भीलवाड़ा 4. बरोही 5. बासवाड़ा 6. सम्पदा-शुल्क और आय-कर संकिल, उदयपुर।
4.	सहायक आय-कर आयुक्त (अपील), बीकानेर रेज, बीकानेर।	निम्नलिखित स्थानों पर सभी वार्ड/संकिल:— 1. बीकानेर 2. श्रीगंगानगर 3. हनुमानगढ़ 4. चूरू 5. नागौर 6. बाल्मेर 7. सम्पदा-शुल्क और आय-कर संकिल, बीकानेर। 8. सम्पदा-शुल्क और आय-कर संकिल, श्रीगंगानगर।

जहाँ कोई आयकर संकिल, वार्ड या संकिल या उसका भाग इस अधिसूचना द्वारा एक रेज से किसी अन्य रेज को अन्तरित हो जाता है, वहाँ उस संकिल, वार्ड या जिले या उसके भाग में किए गए निधरिणों से उत्पन्न होने वाली और उस रेज के, जिससे वह आय-कर संकिल, वार्ड या जिला या उसका भाग अन्तरित हुआ है सहायक आयुक्त (अपील) के समक्ष इस अधिसूचना की तारीख के ठीक पूर्व लंबित अपीलें उस तारीख से जिस तारीख को यह अधिसूचना प्रभावी होती है, उस रेज के, जिसको उस संकिल, वार्ड या जिला या उसका भाग अन्तरित हुआ है, सहायक आयुक्त (अपील) को अन्तरित की जाएगी और उसके द्वारा उन पर कार्यवाही की जाएगी।

यह अधिसूचना 1-10-1980 से प्रभावी होगी।

[सं. 3661/फांसं. 261/5/80-आईटी०जे०]

New Delhi, the 18th September, 1980

S.O. 1160.—In exercise of the powers conferred by sub-section (1) of Section 122 of the Income-tax Act, 1961(43 of 1961) and in supersession of all the previous notifications in this regard, the Central Board of Direct Taxes hereby directs that Appellate Assistant Commissioner of Income tax of the Ranges specified in Col. 1 of the Schedule below, shall perform their functions in respect of all persons and income assessed to Income-tax in the Income-tax Circles, Wards & Districts specified in the corresponding entry in Column (2) thereof excluding all persons and income assessed to Income-tax over which the jurisdiction vests in Commissioner of Income tax (Appeals).

SCHEDULE

Sl. No.	Range	Income-tax Circle/Wards & Districts.
1	2	3
1.	Appellate Assistant Commissioner of Income-tax, 'A' Range, Jodhpur	1. Central Circle, Jodhpur. 2. Special Investigation Circle-I, Jodhpur. 3. Special Investigation Circle-II, Jodhpur. 4. Special Survey Circle, Jodhpur. 5. All Wards at Pali & Sumerpur.
2.	Appellate Assistant Commissioner of Income-tax, U at Jodhpur 'B' Range, Jodhpur.	1. A, B, C, D, E, & F Wards 2. All Wards at Jalore.
3.	Appellate Assistant Commissioner of Income-tax Udaipur Range, Udaipur	All Wards/Circles at : 1. Udaipur 2. Chittorgarh 3. Bhilwara 4. Sirohi 5. Banswara 6. Estate Duty cum Income-tax Circle at Udaipur.
4.	Appellate Assistant Commissioner of Income-tax Bikaner Range, Bikaner.	All Wards & Circle at : 1. Bikaner. 2. Sriganganagar 3. Hanumangarh 4. Churu 5. Nagaur 6. Barmer 7. Estate Duty cum Income-tax Circle at Bikaner. 8. Estate Duty cum Income-tax Circle at Sriganganagar.

Where the Income-tax Circle/Ward or Circle or part thereof stands transferred by this notification from one Range to another Range, appeals arising out of assessments made in that Circle/Ward or District or part thereof and pending immediately before the date of this notification before the Appellate Assistant Commissioner of the Range from whom that Income-tax Circle/Ward or District or part thereof is transferred, shall from the date of this notification take effect be transferred to and dealt with by the Appellate Assistant Commissioner of the Range to whom the said Circles, Ward or District or part thereof is transferred.

This notification shall take effect from 1-10-80.

[No. 3661/F.No. 261/5/80-JTJ]

का०आ० 1161 :—केन्द्रीय प्रत्यक्ष कर बोर्ड, आयकर अधिनियम, 1961 (1961 का 43) की धारा 122 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हाएँ, और इस सम्बन्ध में सभी पूर्व अधिसूचनाओं को अधिकान्त करते हए, निम्नलिखित देता है कि नीचे अनुसूची के स्तम्भ (1) में विनियिष्ट रेंजों के सहायक आयकर आयुक्त (अपील), उसके स्तम्भ (2) में तत्सम्बन्धी प्रविष्टियों में विनियिष्ट आयकर मकिलों, वार्डों और जिलों में आयकर में निर्धारित ऐसे सभी व्यक्तियों और आयों की वाबन, आयकर में निर्धारित उन सभी व्यक्तियों और आयों को छोड़कर जिन पर अधिकारित आयकर आयुक्त (अपील), में निहित है, अपने कृत्यों का पालन करेंगे।

अनुसूची

रेंज	आयकर सकिल/वार्ड श्रीर जिले
(1)	(2)
1. सहायक आयकर आयुक्त (अपील), कन्वेंशन, जयपुर	1. केन्द्रीय सकिल, जयपुर 2. विशेष अन्वेषण सकिल, जयपुर 3. न्यास सकिल, जयपुर 4. कम्पनी सकिल, जयपुर 5. वेतन सकिल, जयपुर 6. विशेष सर्वेक्षण सकिल, जयपुर 7. अलबर के सभी वार्ड और सकिल 8. सीकर के सभी वार्ड और सकिल 9. झुनझुनु के सभी वार्ड और सकिल।
2. सहायक आयकर आयुक्त (अपील), खन्ना-रेज, जयपुर	1. ए.ए.सी., कन्वेंशन, जयपुर के सामने विनियिष्ट को छोड़कर जयपुर के सभी वार्ड/सकिल 2. अजमेर के सभी वार्ड/सकिल 3. बियावर के सभी वार्ड/सकिल
3. सहायक आयकर आयुक्त (अपील), कोटा-रेज, कोटा	1. कोटा के सभी वार्ड/सकिल 2. शालावाड़ के सभी वार्ड/सकिल 3. बूंदी के सभी वार्ड/सकिल 4. भरतपुर के सभी वार्ड/सकिल 5. सदार्ह माधोपुर के सभी वार्ड/सकिल

जहाँ कोई आयकर सकिल/वार्ड या जिला या उसका भाग इस अधिसूचना द्वारा एक रेंज से किसी अन्य रेंज को अन्तरित हो जाता है, वहाँ उस आयकर सकिल, वार्ड या जिले या उसके भाग में किए गए निर्धारणों से उत्पन्न होने वाली और उस रेंज के, जिससे वह आयकर सकिल, वार्ड या जिला या उसका भाग अन्तरित हुआ है, सहायक आयुक्त (अपील), के समक्ष इस अधिसूचना की तारीख से ठीक पूर्व लंबित अपीलें उस तारीख से जिस तारीख को यह अधिसूचना प्रभावी होती है, उस रेंज के, जिसको उक्त सकिल/वार्ड या जिला या उसका भाग अन्तरित हुआ है सहायक आयुक्त (अपील), को अन्तरित की जाएगी और उसके द्वारा उन पर कार्यवाही की जाएगी।

यह अधिसूचना 1-10-1980 से प्रभावी होगी।

[सं० 3662/का०सं० 261/5/80-आई टी जे]

S.O. 1161—In exercise of the powers conferred by sub-section(1) of Section 122 of the Income-tax Act, 1961 (43 of 1961) and in supersession of all the previous notifications in his regard, the Central Board of Direct Taxes hereby directs that Appellate Assistant Commissioners of Income-tax of the Ranges specified in Column (1) of the Schedule below, shall perform their functions in respect of all persons and incomes assessed to Income-tax in the Income-tax Circles, Wards and Districts specified in the corresponding entry in Column (2) thereof excluding all persons and incomes assessed to Income-tax over which the jurisdiction vests in Commissioner of Income-tax (Appeals).

SCHEDULE

Range	Income-tax Circles/Wards & Districts
1	2
1. Appellate Assistant Commissioner of Income-tax, A-Range, Jaipur	1. Central Circles, Jaipur. 2. Special Investigation Circles, Jaipur. 3. Trust Circle, Jaipur. 4. Company Circles, Jaipur. 5. Salary Circles, Jaipur. 6. Special Survey Circle, Jaipur. 7. All Wards & Circles at Alwar. 8. All Wards and Circles at Sikar. 9. All Wards & Circles at Jhunjhunu
2. Appellate Assistant Commissioner of Income-tax B-Range, Jaipur	1. All Wards/Circles at Jaipur than those specified against AAC, A-range Jaipur. 2. All Wards/Circles at Ajmer. 3. All Wards/Circles at Beawar.
3. Appellate Assistant Commissioner of Income-tax, Kota Range, Kota.	1. All Wards/Circles at Kota. 2. All Wards/Circles at Jhalawar. 3. All Wards/Circles at Bundi. 4. All Wards/Circles at Bharatpur. 5. All Wards/Circles at Sawaimadhopur.

Where any Income-tax Circle/Ward or District or part thereof stands transferred by this notification from one Range to another Range, appeals arising out of the assessments made in that Income-tax circle/Wards or Districts or part thereof and pending immediately before the date of this notification before the Appellate Assistant Commissioner of the Range from whom that Income-tax Circle/Ward or District or part thereof is transferred shall from the date of this notification tax effect, be transferred to and dealt with by the Appellate Assistant Commissioner of the Range to whom the said Circle/Ward or District or part thereof is transferred.

This notification shall take effect from 1-10-80.

[No 3662/F. No 261/5/80-ITJ]

नई दिल्ली, 7 अक्टूबर, 1980

का० आ० 1162 :—केन्द्रीय प्रत्यक्ष कर बोर्ड, आयकर अधिनियम, 1961 (1961 का 43) की धारा 121 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए और सभी पूर्वतर आदेशों को अधिकान्त करते हुए यह निम्नलिखित देता है कि नीचे अनुसूची के स्तम्भ (1) में विनियिष्ट भारसाधनों के आयकर आयुक्त (अपील), उसके स्तम्भ (2) और (3) में तत्सम्बन्धी प्रविष्टियों में विनियिष्ट आयकर वार्ड, सकिल, जिलों और रेंजों में आयकर या अतिकर

या व्याजकर में निर्धारित प्रमेयव्यक्तियों दे वार्डग, जो ग्राम कर अधिनियम, 1961 की धारा 246 की उपधारा (2) के खंड (क) से (ज) तक, व्याजकर अधिनियम, 1974 (1974 का 45) की धारा 15 की उपधारा (1) में उल्लिखित किसी भी आदेश से व्यक्ति हैं, श्रीर प्रमेयव्यक्तियों पा व्यक्ति वर्ग की वाबत, जिनके लिए वार्ड ने आयकर अधिनियम, 1961 की धारा 246 की उपधारा (2) के खंड (1) के उपबन्धों के अनुसार निर्देश दिया है या भविष्य में निर्देश दे, कृत्यों का पालन करें।

अनुसूची

भारसाधन और मुख्यालय	आयकर वार्ड और सर्किल	सहायक (निरीक्षण) के रेज
(1)	(2)	(3)
1. आयकर आयुक्त (अपील), राजस्थान -1, जयपुर	निम्नलिखित स्थानों पर सभी वार्ड/सर्किल	1. महायक आयुक्त (नि- रीक्षण), रेज-1, जयपुर
	1. केन्द्रीय सर्किल जयपुर को छोड़कर/ जयपुर	2. सहायक आयुक्त (निरीक्षण), रेज II, जयपुर
		3. महायक आयुक्त (निरीक्षण), निर्धारण, जयपुर
2. सम्पदा-शुल्क सथा आयकर सर्किल, जयपुर		4. सहायक आयुक्त (निरीक्षण), उदयपुर
3. अजमेर		5. महायक आयुक्त (निरीक्षण), अजमेर
4. विधावर		6. सहायक आयुक्त (निरीक्षण), निर्धारण
5. कोटा		7. सहायक आयुक्त I, जयपुर
6. बूंदी		
7. मवाई माधोपुर	7. सहायक आयुक्त (निरीक्षण), निर्धारण	
8. झालावाड़ा		II, जयपुर
9. सीकर		
10. मुन्हमुनू		
11. उदयपुर		
12. चित्तौड़गढ़		
13. भीलवाड़ा		
14. मिरोही		
15. अलवर		

आयकर आयुक्त निम्नलिखित स्थानों

(अपील), राजस्थान पर सभी वार्ड/सर्किल :—

II-जयपुर	1. केन्द्रीय सर्किल जयपुर	1. सहायक (निरीक्षण), रेज-I,
	2. सम्पदा-शुल्क	जयपुर

(1)	(2)	(3)
श्रीर आयकर	2. सहायक आयुक्त	आयुक्त
[सर्किल जोध-	[निरीक्षण], जोधपुर	[पुर]
		3. सहायक आयुक्त (निरीक्षण), बीकानेर
		3. जोधपुर
		4. भरतपुर
		5. पाली
		6. बांडेमेर
		7. जालोर
		8. बीकानेर
		9. नागौर
		10. चुरू
		11. श्रीगंगानगर
		12. हनुमानगढ़

जहाँ कोई आयकर सर्किल, वार्ड या जिला या रेज या उसका भाग इस अधिसूचना द्वारा एक भारसाधन से किसी अन्य भारसाधन को अन्तरित हो जाता है, वहाँ उस आयकर सर्किल, वार्ड या जिले या रेज या उसके भाग में किए गए निर्धारणों से उत्पन्न होने वाली और उस भारसाधन के, जिससे वह आयकर सर्किल, वार्ड या जिला या रेज या उसका भाग अन्तरित हुआ है, सहायक आयकर आयुक्त (अपील) के समक्ष इस अधिसूचना की तारीख के ठीक पूर्व नवित्र अपीलें उस तारीख से जिस तारीख को यह अधिसूचना प्रभावी होती है, उस भारसाधन के, जिसको उक्त सर्किल, वार्ड या जिला या रेज या उसका भाग अन्तरित हुआ है, सहायक आयकर (अपील) को अन्तरित की जाएगी और उसके द्वारा उन पर कार्यवाही की जाएगी।

यह अधिसूचना 13-10-1980 से प्रभावी होगी।

[मं. 3687/फा. मं. 261/19/80-आई टी जे]

New Delhi, the 7th October, 1980

S.O. 1162.—In exercise of the powers conferred by sub-section (1) of Section 121A of the Income-tax Act, 1961 (43 of 1961) and in supersession of all the earlier orders, the Central Board of Direct Taxes hereby directs that the Commissioners of Income-tax (Appeals) of the Charges specified in Column (1) of the Schedule below, shall perform their functions in respect of such persons assessed to Income-tax or Sur-tax or Interest-tax in the Income-tax wards, Circles, Districts and Ranges specified in the corresponding entries in column (2) and column (3) thereof as are aggrieved by any of the orders mentioned in clauses (a) to (h) of sub-section (2) of section 246 of the Income-tax Act, 1961 in sub-section (1) of Section 15 of the Interest tax Act, 1974 (45 of the 1974) and also in respect of such persons or classes of persons as the Board has directed or may direct in future in accordance with the provisions of clause (i) of sub-section (2) of section 246 of the Income-tax Act, 1961.

SCHEDULE

Charge with Headquarters	Income-tax Wards and Circles	Ranges of Inspecting Asstt. Commr. of Income-tax
1	2	3
1. Commissioner of Income-tax (Appeals) Rajasthan-I, Jaipur	All wards/Circles at 1. Jaipur excepting Central Circles, Jaipur 2. Estate-Duty-cum-Income-tax Circles, Jaipur. 3. Ajmer 4. Beawar 5. Kota 6. Bundi 7. Sawaimadhopur 8. Jhalawar 9. Sikar 10. Jhunjhunu 11. Udaipur 12. Chittorgarh 13. Bhilwara 14. Sirohi 15. Alwar	1. JAC, Range I, Jaipur. 2. IAC, Range II, Jaipur. 3. IAC, Assessment, Jaipur. 4. IAC, Udaipur 5. IAC, Ajmer 6. IAC, Assessment 7. IAC, Assessment
2. Commissioner of Income-tax (Appeals) Rajasthan-II, Jaipur	All Wards/Circles at 1. Central Circles, Jaipur 2. Estate-Duty-cum-Income-tax Circle, Jodhpur 3. Jodhpur 4. Bharatpur 5. Pali 6. Barmer 7. Jalore 8. Bikaner 9. Nagaur 10. Churu 11. Sriganganagar 12. Hanumangarh	1. JAC, Range-I, Jaipur 2. IAC, Jodhpur 3. IAC, Bikaner

Whereas the Income-tax Circle, Ward or District or Range or part thereof stands transferred by this notification from one charge to another charge, appeals arising out of the assessments made in that Income-tax Circle, Ward or District or Range or part thereof and pending immediately before the date of this notification before the Commissioner of Income-tax (Appeals) of the Charge from whom that Income-tax Circle, Ward or District or Range or part thereof is transferred shall from the date of this notification takes effect, be transferred to and dealt with by the Commissioner of Income-tax (Appeals) of the Charge to whom the said Circles, Ward or District or Range or part thereof is transferred.

This notification shall take effect from 13-10-1980.

[No. 3687/G. No. 261/19/80-ITJ]

का० घा० 1163.—केन्द्रीय प्रत्यक्ष कर बोर्ड, आयकर अधिनियम, 1961 (1961 का 43) की धारा 122 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए और इस बाबत सभी पूर्व अधिसूचनाओं को अधिकान्त करते हुए, निरेश देता है कि नीचे अनुसूची के स्तम्भ (1) में 1505 GI/80-6.

विनिर्दिष्ट रेजों के सहायक आयकर आयुक्त (अपील), उसके स्तम्भ (2) में तत्संबंधी प्रविष्टियों में विनिर्दिष्ट आयकर सर्किल, वार्ड और जिलों में आयकर से निर्धारित ऐसे सभी व्यक्तियों और आय की बाबत आयकर से निर्धारित उन सभी व्यक्तियों और आयों को छाड़कर जिन पर अधिकारिता आयकर आयुक्त (अपील) में निहित है, अपने कृत्यों का पालन करेंगे।

अनुसूची

रेज तथा मुख्यालय	आयकर सर्किल, वार्ड या जिले
सहायक आयुक्त अपील, कोयम्बटूर रेज, सर्किल	1. कम्पनी सर्किल 1, कोयम्बटूर 2. कम्पनी सर्किल 2, कोयम्बटूर 3. कम्पनी सर्किल 3, कोयम्बटूर 4. कम्पनी सर्किल 4, कोयम्बटूर 5. कम्पनी सर्किल 5, कोयम्बटूर 6. नगर सर्किल 3, कोयम्बटूर 7. सम्पदा-शुल्क और आयकर सर्किल, कोयम्बटूर 8. वेतन सर्किल, कोयम्बटूर 9. इरोड सर्किल
सहायक आयुक्त अपील, सेलम रेज, सेलम	10. नगर सर्किल-4, मद्रास 11. विशेष अन्वेषण सर्किल, कोयम्बटूर
सहायक आयुक्त (अपील)	1. नगर सर्किल-1, कोयम्बटूर 2. नगर सर्किल-2, कोयम्बटूर 3. विशेष सर्वेक्षण सर्किल, कोयम्बटूर 4. ऊटी सर्किल 5. तिरुप्पुर सर्किल 6. पोल्लाची सर्किल 7. कुष्णगिरि सर्किल 8. कम्पनी सर्किल, सेलम 9. सर्किल 1, सेलम 10. सर्किल 2 सेलम

जहां कोई आयकर सर्किल, वार्ड या जिला या उसका भाग इस अधिसूचना द्वारा एक रेज से किसी अन्य रेज को अंतरित हो जाता है, वहां उस आयकर सर्किल, वार्ड या जिला या उसके भाग में किए गए निर्धारणों से उत्पन्न होने वाली और उस रेज के, जिससे वह आयकर सर्किल, वार्ड या जिला या उसका भाग अंतरित हुआ है, सहायक आयुक्त (अपील) के समक्ष इस अधिसूचना की तारीख के ठीक पूर्व संवित अपीलें उस तारीख से जिस तारीख को यह अधिसूचना प्रभावी होती है, उस रेज के, जिसको उक्त सर्किल, वार्ड या जिला या उसका भाग अंतरित हुआ है, सहायक आयुक्त (अपील) को अंतरित की जाएगी और उसके द्वारा उन पर कार्यवाही की जाएगी।

यह अधिसूचना 13-10-1980 से प्रभावी होगी।

[सं० 3688/फा० सं० 261/20/80-आई टी जे]

S.O. 1163.—In exercise of the powers conferred by sub-section (i) of section 122 of the Income-tax Act, 1961 (43 of 1961) and in supersession of all the previous notifications in this regard, the Central Board of Direct Taxes, hereby directs that Appellate Assistant Commissioners of Income-tax of the Ranges specified in column (1) of the Schedule below shall perform their functions in respect of all persons and income assessed to income-tax in the Income-tax Circle, Wards and Districts specified in the corresponding entry in column (2) thereof excluding all persons and incomes assessed to Income-tax over which the jurisdiction vests in Commissioner of Income-tax (Appeals).

SCHEDULE

Range with Headquarters	Income-tax Circles, Wards or Districts
1	2
Appellate Assistant Commissioner Coimbatore Range, Coimbatore	1. Company Circle-I, Coimbatore 2. Company Circles-II, Coimbatore. 3. Company Circle-III, Coimbatore. 4. Company Circle-IV, Coimbatore. 5. Company Circle-V, Coimbatore 6. City Circle-III, Coimbatore 7. Estate duty-cum-Income-tax Circle, Coimbatore. 8. Salaries Circle, Coimbatore 9. Erode Circles. 10. City Circle-IV, Madras. 11. Special Investigation Circle, Coimbatore.
Appellate Assistant Commissioner, Salem Range, Salem	1. City Circle-I, Coimbatore. 2. City Circle-II, Coimbatore. 3. Special Survey Circle, Coimbatore. 4. Ooty Circle 5. Tirupur Circle. 6. Pollachi Circle 7. Krishnagiri Circle 8. Company Circle, Salem. 9. Circle-I, Salem 10. Circle II, Salem.

Whereas the Income-tax Circle, Ward or District or part thereof stands transferred by this Notification from one Range to another Range, appeals arising out of the assessments made on that Income-tax Circle, Ward or District or part thereof and pending immediately before the date of this notification before the Appellate Assistant Commissioner of the Range from whom that Income-tax Circle, Ward or District or part thereof is transferred shall from the date of this notification takes effect be transferred to and dealt with by the Appellate Assistant Commissioner of the Range to whom the said Circle, Ward or District or part thereof is transferred.

This notification shall take effect from 13-10-1980.

[No. 3688/F. No. 261/20/80-ITJ]

का० आ० 1164.—केन्द्रीय प्रत्यक्ष कर बोर्ड, आय-कर अधिनियम, 1961 (1961 का 43) की धारा 121-की उपधारा (1) द्वारा प्रदत्त शक्तियों और इस निमित्त उसे समर्थ बनाने वाली सभी अन्य शक्तियों का प्रयोग करते हुए, अपनी अधिसूचना सं० 2637 (फा० सं० 261/22/78-आईटी जे), तारीख 4-1-1979 से उपायक्ष मनुसूची में निम्नलिखित समोद्धन करता है:—

उक्स अनुसूची में क्रम सं० 7 के मामले स्तम्भ 3 और 4 के स्थान पर निम्नलिखित रखा जाएगा:—

का० भारताधन आय-कर संकिळ और वार्ड सहायक सं० और मुख्यालय आयुक्त (निरीक्षण) के मेंज	1	2	3	4
7 आयुक्त (अपील) -V 1 संकिळ-II, अहम- दाबाद -I, क-रेज- वार्ड				1. क-रेज- वार्ड III अहमदा- दाबाद
7 आयुक्त (अपील) -V 1 संकिळ-II, अहम- दाबाद -II, अहम- दाबाद				2. संकिळ-III, अहम- दाबाद 2. क-रेज- वार्ड III अहमदा- दाबाद
				3. सहायक आयुक्त (निरीक्षण) (निधारण)- III अहमदा- दाबाद

यह अधिसूचना 13-10-1980 से प्रभावी होगी।
[सं० 3689/फा० सं० 261/25/80-आईटी जे]

S.O. 1164.—In exercise of powers conferred by sub-section (1) of Section 121A of the Income-tax Act, 1961 (43 of 1961) and of all other powers enabling it in that behalf the Central Board of Direct Taxes, hereby makes the following amendments in the schedule appended to its Notification No 2637 (F. No. 261/22/78-ITJ), dated 4-1-1979.

In the said schedule the following shall be substituted in Ccl. 3 and 4 against Sr. No. 7.

Sl. No.	Charges with Headquarters	Income-tax Circle & Wards	Ranges of IAC of Income-tax
1	2	3	4
7. Commissioner (Appeals)-V, Ahmedabad	1. Circle-II, Ahmedabad 2. Circle-III, Ahmedabad.	1. A.R. II, Ahmedabad 2. A.R. III, Ahmedabad	1. A.R. II, Ahmedabad 2. A.R. III, Ahmedabad
			3. IAC (Assessment III Ahmedabad.

This notification shall take effect from 13-10-1980.

[No. 3689/F. No. 261/25/80-ITJ]

का० आ० 1165.—केन्द्रीय प्रत्यक्ष कर बोर्ड की अधिसूचना सं० 2383 (फा० मं० 261/7/78-आई टी जे) तारीख 7 जुलाई, 1978 में, सहायक आयकर आयुक्त (अपील), इलाहाबाद की अधिकारिता के लिए, अनुसूची से इलाहाबाद रेंज, इलाहाबाद के सामने स्तम्भ 2 के नीचे से निम्नलिखित हटा दिया जाएगा :—

“(iv) बांदा”

और फा० मं० (i) से (v) तक की विद्यमान प्रविष्टियों को पुनः संख्यांकित करके कम सं० (i) से (iv) के रूप में पढ़ा जाएगा।

यह अधिसूचना 15.10.1980 में प्रभावी होगी।

[सं० 3692/फा० सं० 261/16/80-आई टी जे]

S.O. 1165.—In the notification of Central Board of Direct Taxes No. 2383 (F. No. 261/7/78-ITJ) dated the 7th July, 1978 for the jurisdiction of Appellate Assistant Commissioner of Income-tax, Allahabad the following shall be deleted from Schedule under Column 2, against Allahabad Range, Allahabad :

“(iv) Banda”

And the existing entries from S. No. (i) to (v) be re-numbered to read as S. No. (i) to (iv).

This notification shall take effect from 15-10-1980.

[No. 3692/F. No. 261/16/80-ITJ]

नई दिल्ली, 9 अक्टूबर, 1980

का० आ० 1166.—केन्द्रीय प्रत्यक्ष कर बोर्ड, आयकर अधिनियम, 1961 (1961 का 43) की धारा 121-की उपधारा (i) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, और इस निमित्त मधी पूर्व अधिसूचनाओं को अधिकारीत करते हुए यह निवेश देता है कि नीचे अनुसूची के स्तम्भ (i) में विनिर्दिष्ट भारतसाधनों के आयकर आयुक्त (अपील), उसके स्तम्भ (2) और (3) में तत्संबंधी प्रविष्टियों में विनिर्दिष्ट आयकर बांडों, संकिल, जिलों और रेंजों में आयकर या अतिकर या व्याजकर से निर्धारित ऐसे व्यक्तियों के बारे में, जो आयकर अधिनियम, 1961 की धारा 246 की उपधारा (2) के खंड (क) से (ज) तक, कम्पनी (साभ) अतिकर अधिनियम, 1964 (1964 का 7) की धारा (ii) की उपधारा (1) और व्याजकर अधिनियम, 1974 (1974 का 45) की धारा 15 की उपधारा (i) में उल्लिखित विसी भी आदेशों से व्यष्टि है, और ऐसे व्यक्तियों या व्यक्ति वर्ग को बाबत भी, जिनके लिए बोर्ड में आयकर अधिनियम, 1961 की धारा 246 की उपधारा (2) के खंड (1) के उपबन्धों के अनुसार निवेश दिया है या भविष्य में निदेश दे, कृत्यों का पालन करेंगे।

अनुसूचि			
भारतसाधन और मुख्यालय	आयकर बांड और संकिल	महायक आयुक्त (निरीक्षण) के रेंज	
(1)	(2)	(3)	
आयकर आयुक्त (अपील)- 1, हैदराबाद	1. खम्माम संकिल 2. विशेष संकिल-I, हैदराबाद	1. रेंज-I, हैदराबाद 2. रेंज-II, हैदराबाद	
	3. विशेष संकिल II, हैदराबाद 4. विशेष संकिल-III हैदराबाद 5. विशेष संकिल, (पुराना) हैदरा- बाद	3. रेंज-IV, हैदराबाद (जहां तक संकिल V और नलगोडा संकिलों का संबंध है) 4. अनन्तपुर रेंज (जहां तक अदोनी संकिल का संबंध है)	
	6. अदोनी संकिल 7. केन्द्रीय संकिल हैदराबाद (पुराना) 8. परियोजना संकिल हैदराबाद	7. केन्द्रीय संकिल I, II, और III, हैदरा- बाद	
	9. नलगोडा संकिल 10. केन्द्रीय संकिल I, II, और III, हैदरा- बाद	11. केन्द्रीय संकिल हैदराबाद 12. केन्द्रीय संकिल काकीनाडा	5. केन्द्रीय रेंज, हैदराबाद 6. मैल्लोर रेंज, (जहां तक शोगोने
		13. ओंगोले संकिल	और बापतला संकिलों का संबंध है)
		14. बापतला संकिल	7. विजयवाडा रेंज (वारंगल को छोड़ कर)
		15. तेनाली संकिल	15. गुंटूर संकिल
		16. गुंटूर संकिल	17. विजयवाडा संकिल
		17. विजयवाडा संकिल	18. मछलीपटनम [संकिल]
		18. मछलीपटनम [संकिल]	19. गुडिवाडा संकिल
		19. गुडिवाडा संकिल	20. विशेष अन्वेषण [संकिल, गुट्टूर]
		20. विशेष अन्वेषण [संकिल, गुट्टूर]	21. विशेष अन्वेषण संकिल हैदराबाद
			8. सहायक आयकर आयुक्त (निरीक्षण) [(निष्पारिण) गुट्टूर]

1	2	3
22. सकिल-I, हैदराबाद	9. सहायक आयकर आयुक्त (निरीक्षण) II, हैदराबाद	22. विशेष अन्वेषण सकिल-I हैदराबाद
23. सकिल-II, हैदराबाद	10. रेज-III, हैदराबाद	23. सर्वेक्षण सकिल, हैदराबाद
24. सकिल-III, हैदराबाद	11. विशाखापटनम रेज	24. कम्पनी सकिल, हैदराबाद
25. सकिल-IV, हैदराबाद	12. सहायक आयकर आयुक्त (निरीक्षण) (निधारण), विशाखापटनम	25. वेतन सकिल, हैदराबाद
26. श्रीकाकुलम सकिल		
27. विजीनगरम सकिल		
28. विशाखापटनम सकिल		
29. अनाकापल्ली सकिल		
30. राजमुंद्री सकिल		
31. विशेष अन्वेषण सकिल, विशाखापटनम		
32. सकिल-I, हैदराबाद (पुराना)		
आयकर आयुक्त (अपील)-II, हैदराबाद	1. वारंगल सकिल 2. करीमनगर सकिल 3. सगारेही सकिल 4. निजामाबाद सकिल 5. निमल सकिल 6. महबूबनगर सकिल 7. कुर्नूल सकिल 8. नन्दधाल सकिल 9. अनन्तपुर सकिल 10. हिन्दुपुर सकिल 11. कुड्डपा सकिल 12. चित्तूर सकिल 13. तिरुपति सकिल 14. प्रोद्दश्शुर सकिल 15. नैलोर सकिल 16. एलुरु सकिल 17. तानुकु सकिल 18. पालाकोल सकिल 19. भीमाघरम सकिल (निरीक्षण) (सह.०) 20. काकीनाडा-I और II सकिल 21. ग्रामालापुरम सकिल	1. विजयवाड़ा रेज (जहां तक वारंगल का संबंध है) 2. रेज-V (सकिल-IV हैदराबाद और नलगोड़ा को छोड़ कर) 3. अनन्तपुर रेज (अदानी के सिवाए) 4. नैलोर रेज (जहां नैलोर, तिरुपति और चित्तूर का सम्बन्ध है) 5. काकीनाडा रेज 6. सहायक आयुक्त (निरीक्षण) (सह.०) 7. सहायक आयुक्त (निरीक्षण) (सर्वेक्षण), 8. रेज-IV, हैदराबाद

1	2	3
22. विशेष अन्वेषण सकिल-I हैदराबाद		
23. सर्वेक्षण सकिल, हैदराबाद		
24. कम्पनी सकिल, हैदराबाद		
25. वेतन सकिल, हैदराबाद		

जहाँ कोई आयकर सकिल, वार्ड या जिला या उसका भाग इस अधिसूचना द्वारा एक भारसाधक में किसी ग्रन्थ भारसाधक को अन्तरित हो जाता है, वहाँ उस आयकर सकिल, वार्ड या जिले या उसके भाग में किए गए निधारणों में उत्पन्न होने वाली और उस भारसाधक के, जिससे वह आयकर सकिल, वार्ड या जिला या उसके भाग अन्तरित हुआ है, आयकर आयुक्त के समक्ष इस अधिसूचना की तारीख के ठीक पूर्व लंबित अपीलें उस तारीख से जिस नारीख को यह अधिसूचना प्रभावी होती है, उस भारसाधक के, जिसको उक्त सकिल, वार्ड या जिला या उसका भाग अन्तरित हुआ है, आयकर आयुक्त को अन्तरित की जाएगी और उसके द्वारा उन पर कार्यवाही की जाएगी।

यह अधिसूचना 15-10-1980 से प्रभावी होगी।

[सं. 3695/फा. सं. 261/24/80-आईटीजे]

New Delhi, the 9th October, 1980

S.O. 1166.—In exercise of the powers conferred by sub-section (1) of Section 121A of the Income-tax Act, 1961 (43 of 1961) and in supersession of all the previous notifications in this regard, the Central Board of Direct Taxes hereby direct, that the Commissioner of Income-tax (Appeals) of the Charges specified in column (1) of the Schedule below, shall perform their functions in respect of such persons assessed to Income-tax or Sur-tax or Interest-tax in the Income-tax Wards, Circle, Districts and Ranges specified in the corresponding entries in column (2) and column (3) thereof as are aggrieved by any of the orders mentioned in clauses (a) to (h) of sub-section (2) of Section 246 of the Income-tax Act, 1961, in sub-section (1) of Section-II of Companies (Profits) Surtax Act, 1964 (7 of 1964), and in sub-section (1) of Section 15 of the Interest-tax Act, (45 of 1974) and also in respect of such persons or classes of persons as the Board has directed or may direct in future in accordance with the provisions of clause (1) of sub-section (2) of Section 246 of the Income-tax Act, 1961.

SCHEDULE

Charges with Headquarters	Income-tax Wards and Circles	Ranges of Inspecting Commissioners of Income-tax
1	2	3
Commissioner of Income-tax, Hyderabad	1. Khammam Circle 2. Special Circle-I, Hyderabad 3. Special Circle-II, Hyderabad	1. Range-I, Hyderabad 2. Range-II, Hyderabad 3. Range-V, Hyderabad

1	2	3
Commissioner of Income-tax (Appeals)-I, Hyderabad (contd.)	4. Special Circle-III, Hyderabad 5. Special Circle (Old), Hyderabad 6. Adoni Circle 7. Central Circle, Hyderabad (Old) 8. Project Circle, Hyderabad 9. Nalgonda Circle, Hyderabad 10. Central Circle-I, II & III, Hyderabad 11. Central Circle, Vijayawada 12. Central Circle, Kakinada 13. Ongole Circle 14. Bapatla Circle 15. Tenali Circle 16. Guntur Circle 17. Vijayawada Circle 18. Machilipatnam Circle 19. Gudiwada Circle 20. Spl. Investigation Circle, Guntur 21. Spl. Investigation Circle-II, Hyderabad 22. Circle-I, Hyderabad 23. Circle-II, Hyderabad 24. Circle-III, Hyderabad 25. Circle-IV, Hyderabad 26. Srikakulam Circle 27. Vizianagaram Circle 28. Visakhapatnam Circle 29. Anakapalli Circle 30. Rajahmundry Circle 31. Sp. Investigation Circle, Visakhapatnam 32. Circle-I, Hyderabad (Old)	(in so far as Circle-IV & Nalgonda Circle are concerned) 4. Ananthapur Range (in so far as Adoni Circle is concerned) 5. Central Range, Hyderabad. 6. Nellore Range (in so far as Ongole & Bapatla Circles are concerned) 7. Vijayawada Range (excluding Warangal) 8. IAC. of IT (Asstt.), Guntur 9. IAC. of IT (Asstt.), II, Hyderabad 10. Range-III, Hyderabad 11. Visakhapatnam Range 12. IAC. of IT (Asstt.), Visakhapatnam.
Commissioner of Income-tax (Appeals)-II, Hyderabad	1. Warangal Circle 2. Karimnagar Circle 3. Sangareddy Circle 4. Nizamabad Circle 5. Nirmal Circle 6. Mahbubnagar Circle 7. Kurnool Circle 8. Nandyal Circle 9. Ananthapur Circle 10. Hindupur Circle 11. Cuddapah Circle 12. Chittoor Circle	1. Vijayawada Range (in so far as Warangal is concerned) 2. Range-V (excluding Circle-IV, Hyderabad and Nalgonda) 3. Ananthapur Range (except Adoni) 4. Nellore Range (in so far as Nellore, Tirupathi and Chittoor are concerned) 5. Kakinda Range

1	2	3
	13. Tirupathi Circle 14. Proddatur Circle 15. Nellore Circle 16. Eluru Circle 17. Tanuku Circle 18. Palakol Circle 19. Bhimavaram Circle 20. Kakinada-I & II Circles	6. IAC (Asstt.)—I, Hyderabad 7. IAC (Survey), Hyderabad 8. Range-IV, Hyderabad
	21. Amalapuram Circle 22. Spl. Investigation Circle-I, Hyderabad 23. Survey Circle, Hyderabad	
	24. Company Circle Hyderabad	
	25. Salary Circle, Hyderabad	

Whereas an Income-tax Circle, Ward or District or part thereof stands transferred by this notification from one charge to another charge, appeals arising out of assessments made in that Income-tax Circle, Ward or District or part thereof and pending immediately before the date of this notification before the Commissioner of Income-tax of the Charge from whom the Income-tax Circle, Ward or District or part thereof is transferred shall from the date of this notification takes effect be transferred to and dealt with by the Commissioner of Income-tax of the Charge to whom the said Circle, Ward or District or part thereof is transferred.

This notification shall take effect from 15-10-80.

[No. 3695/F. No. 261/24/80-ITJ]

नई दिल्ली, 22 दिसम्बर, 1980

का०आ० 1167.—केन्द्रीय प्रत्यक्ष कर बोर्ड, आपकर अधिनियम 1961 (1961 का 43) की धारा 122 की उपधारा। (1) द्वारा, प्रदत्त शक्तियों और इस निमित्त उसे समर्थ बनाने वाली अन्य सभी शक्तियों का प्रयोग करते हुए और पूर्वतन अधिसूचना सं० 3424 (फा० सं० 261/14/80—आई० टी जे), तारीख 30-5-1980 का आशिक उपान्तरण करते हुए निदेश देता है कि निम्नलिखित संशोधन किए जाएः—

(1) सं० आ० (ग्र०), पी बी, पुणे की अधिकारिता में, ग्रथात् संभ सं० 2 में प्रविष्ट सं० 31 के पश्चात्, "सं० 32 कम्पनी संकिल 3, पुणे," जोड़े।

(2) यह अधिसूचना 1-12-80 से प्रभावी होगी।

[सं० 3671 फा० सं० 261/14/80—आई० टी जे]

New Delhi, the 22nd December, 1980

S.O. 1167.—In exercise of the powers conferred by sub-section (1) of Section 122 of the Income-tax Act, 1961 (43 of 1961), and all other powers enabling it in that behalf and in partial modification of the previous Notification No. 3424 (F. No. 261/14/80-ITJ) dated 30-5-1980, the Central Board of Direct Taxes, hereby directs that the following amendments may be made :—

(1) in the jurisdiction of A.A.C., P.R., Pune viz., after entry No. 31 in Column No. 2 add "No. 32 Companies Circle-III, Pune".

(2) The Notification shall take effect from 1-12-80.

[No. 3761/F. No. 261/14/80-ITJ]

नई दिल्ली, 27 दिसम्बर, 1980
आधिकार

कानून 1168.—केन्द्रीय प्रत्यक्ष कर बोर्ड, आयकर अधिनियम, 1961 (1961 का 43) की धारा 122 की उपधारा (1) द्वारा प्रदत्त शक्तियों और इस निभित उस समर्थ बनाने वाली अन्य सभी शक्तियों का प्रयोग करते हुए और इस सबध में सभी पूर्वतन अधिसूचनाओं को अधिकार करते हुए, निदेश देता है कि नीचे दी गयी अनुसूची के स्तर 2 में विनिर्दिष्ट रेजों के सहायक आयकर आयुक्त (अपील) उम्मेद स्तर 3 की तत्सबधी प्रविधि में विनिर्दिष्ट आयकर अधिकारी द्वारा आयकर या अधिकर में निर्धारित सभी व्यक्तियों और आयों के बार में अपने कृत्यों का पालन करेंगे —

अनुसूची

क्रम सं.	रेज	आयकर सर्किल और आयकर अधिकारी
1	2	3
1.	सहायक आयुक्त (अपील) 'क' रेज, मुख्यालय राजकोट	1 वार्ड—क, राजकोट 1 वार्ड—ख, राजकोट 1 वार्ड—ग, राजकोट 1 वार्ड—घ, राजकोट 1 वार्ड—इ, राजकोट 1 वार्ड—ज, राजकोट केन्द्रीय सर्किल, राजकोट 2 मोर्ची सर्किल
2	सहायक आयुक्त (अपील) 'ख' रेज, मुख्यालय राजकोट	1 वार्ड—छ, राजकोट 1 वार्ड—झ, राजकोट 1 वार्ड—ञ, राजकोट 1 वार्ड—ट, राजकोट 1 वार्ड—ठ, राजकोट 1 वार्ड—ड, राजकोट 1 वार्ड—ढ, राजकोट 1 वार्ड—त, राजकोट विशेष सर्वेक्षण सर्किल, राजकाट 2 ग सी ई डी राजकोट सर्किल
3	सहायक आयुक्त (अपील) मुख्यालय जामनगर	1 जामनगर सर्किल जिसमें एस आई सी भी है। 2 केन्द्रीय सर्किल, जामनगर 3 भुज सर्किल
4	सहायक आयुक्त (अपील) मुख्यालय भावनगर	1 भावनगर सर्किल 2 अमरेली सर्किल
5.	सहायक आयुक्त (अपील) मुख्यालय जूनागढ़	1 जूनागढ़ सर्किल 2 पोरबन्दर सर्किल

किसी निर्धारिती की बाबत इस अधिसूचना की तारीख के ठीक पूर्व लघित अपीले उस तारीख से जिस तारीख को यह अधिसूचना प्रभावी होती है, उस रेज के, सहायक आयुक्त

(अपील) का अन्तर्गत की जाएगी और उसके द्वारा उन पर कायेवाही की जाएगी जिसकी इस अधिसूचना के अनुसार उम्मेद निर्धारिती पर अधिकारिता है।

यह अधिसूचना 1-1-1981 से प्रभावी होगी।

[मा 3774/फा० स० 261/28/80-आईटीज]

New Delhi, the 27th December, 1980

INCOME-TAX

S O 1168.—In exercise of the powers conferred by sub-section (1) of Section 122 of the Income-tax Act, 1961 (43 of 1961) and of all other powers enabling it in that behalf and in supersession of all the previous notifications in this regard, the Central Board of Direct Taxes, New Delhi hereby directs that the Appellate Assistant Commissioner of Income-tax of the ranges specified in column (2) of the Schedule below, shall perform their functions in respect of all persons and incomes assessed to Income-tax or Sur-tax in the Income-tax Circles by the Income-tax Officer specified in the corresponding entry in column (3) thereof —

SCHEDULE

Sl No	Range	Income-tax Circles and Income-tax Officers
1	2	3
1	Appellate Assistant Commissioner, 'A' Range H Q , Rajkot	1 Ward-A, Rajkot Ward-B, Rajkot Ward-C, Rajkot Ward-D, Rajkot Ward-E, Rajkot Ward-F, Rajkot Central Circle, Rajkot
2	Appellate Assistant Commissioner, 'B' Range, H Q , Rajkot	2 Morvi Circle. 1. Ward-G, Rajkot Ward-H, Rajkot Ward-I, Rajkot Ward-J, Rajkot Ward-K, Rajkot Ward-L, Rajkot Ward-M, Rajkot Ward-N, Rajkot Ward-P, Rajkot Special Survey Circle, Rajkot
3	Appellate Assistant Commissioner, H Q , Jamnagar	2 A C E D., Rajkot Circle, 1 Jamnagar Circle including S I C.
4	Appellate Assistant Commissioner, H Q , Bhavnagar.	2 Central Circle, Jamnagar 3 Bhuj Circle 1 Bhavnagar Circle 2 Amreli Circle
5	Appellate Assistant Commissioner, H Q , Junagadh	1 Junagadh Circle 2 Porbandar Circle

All appeals in respect of any assessee pending immediately before the date of this Notification shall, from the date of this Notification takes effect, be transferred to and dealt with by the Appellate Assistant Commissioner of the Range who has jurisdiction over that assessee as per this Notification

This Notification shall take effect from 1-1-1981.

[No. 3774/F. No 261/28/80-ITJ]

का० आ० 1169.—केन्द्रीय प्रत्यक्ष कर बोर्ड, आयकर अधिनियम, 1961 (1961 का 43) की धारा 121A की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, और अधिसूचना सं० 2580 (फा० सं० 261/26/78-ट्राई टी जे), तारीख 15-11-79 और सं० 3116 (फा० सं० 261/22/79-ट्राई टी जे), तारीख 31-12-79 का आधिकार उपात्तरण करते हुए निदेश देता है कि उक्त अधिसूचना से संलग्न अनुसूची के स्तंभ 3 में, क्रम संख्यांक 1 के सामने निम्नलिखित महायक आयकर आयुक्त (निरीक्षण) को उपभद्र 6 के रूप में जोड़ा जाएगा:—

6 “सहायक आयकर आयुक्त निरीक्षण (निर्धारण) (केन्द्रीय), बंगलौर”

यह अधिसूचना 1 जनवरी, 1981 से प्रभावी होगी।

[मा० 3775/फा० सं० 261/34/80]

S.O. 1169.—In exercise of the powers conferred by Sub-Section (1) of Section 121A of the Income-tax Act, 1961 (43 of 1961) and in partial Modification of Notification No 2580 (F. No. 261/26/78-ITJ) dated 15-11-1979 and No. 3116 (F. No. 261/22/79-ITJ) dated 31-12-1979, the Central Board of Direct Taxes hereby directs that the following Inspecting Assistant Commissioner of Income-tax Range, shall be added at Column No. 3 as sub-item 6 against serial No. 1. in the Schedule appended to the said Notification:—

6. “Inspecting Assistant Commissioner of Income-tax (Asst) (Central), Bangalore.”

This Notification shall take effect from 1st January, 1981.

[No 3775/F No 261/34/80]

नई दिल्ली, 30 दिसम्बर, 1980

का० आ० 1170.—केन्द्रीय प्रत्यक्ष कर बोर्ड, आयकर अधिनियम, 1961 (1961 का 43) की धारा 122 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए और इस संबंध में मध्ये पूर्वतन अधिसूचनाओं को अधिकार करते हुए, निदेश देता है कि नीचे की अनुसूची के स्तंभ 1 में विनिर्दिष्ट रेंजों के महायक आयकर आयुक्त (अपील) उमके स्तंभ 2 की तत्वंवधी प्रविष्टि में विनिर्दिष्ट आयकर मकिलों, वार्डों और जिलों में आयकर या अधिकार में निर्धारित ऐसे व्यक्तियों और आयों से भिन्न जिन पर अधिकारिता आयकर आयुक्त (अपील) में निहित है मध्ये व्यक्तियों और आयों के बारे में अपने कृत्यों का पालन करेंगे:—

अनुसूची

रेज

1

1 सहायक आयुक्त अपील, पटियाला, रेज, पटियाला

आयकर मकिल वार्ड जिला

2

ऐसे सभी आयकर सर्किल, वार्ड और जिले जिनके मुख्यालय (1) बरनाला में (2) चम्बा, कांगड़ा, हमीरपुर और जला जिलों के आयकर सर्किल, के पालमपुर में (3) मेले-राकोटला में (4) मंडी में (5) पटियाला में (6)

1	2
	रोपर में (7) संगस्प में :
	(8) चण्डीगढ़ में
	(9) केन्द्रीय सर्किल पटियाला में और चण्डीगढ़ में और
	(10) विशेष अन्वेषण सर्किल केन्द्रीय सर्किल पटियाला और चण्डीगढ़ में है।

2 सहायक आयुक्त (अपील), जिला 1 (1) 'न' रेज, लुधियाना	जिला 1 (5)
	जिला 1 (6)
	जिला 1 (7)
	जिला 2 (5) सुधियाना स्थित
	जिला 2 (6)
	जिला 2 (7)
	जिला 2 (8)

विशेष सर्वेक्षण सर्किल 1 में 6 खाना सर्किल

3 सहायक आयुक्त (अपील) 'ख' रेज लुधियाना	जिला 1 (2)
	जिला 1 (3)
	जिला 1 (4)
	जिला 2 (1) सुधियाना स्थित
	जिला 2 (2)
	जिला 2 (3)
	जिला 2 (4)

मंपदा शुल्क सर्किल लुधियाना
केन्द्रीय सर्किल 1 में 6 लुधियाना

परन्तु ऐसे वार्ड, जिलों और मकिलों की बाबत भी अधिकारिता जो उत्सादित कर दिए गए हैं, उन सहायक आयुक्तों (अपील) की होगी जिनकी वर्तमान मकिलों, वार्डों और जिलों पर अधिकारिता है और जिनके पास उन मकिलों, वार्डों और जिलों के मामलों का निर्धारण किया जाता है;

आयकर सर्किल, वार्ड या जिला या उसका भाग इस अधिसूचना द्वारा एक रेज में किसी अन्य रेज को अन्तरित हो गया है, अस उस आय कर सर्किल, वार्ड या जिले या उसके भाग में किए गए निर्धारणों से उत्पन्न होने वाली और उस रेज के, जिसमें वह आय कर सर्किल, वार्ड या जिला या उसका भाग अन्तरित हुआ है, सहायक आयकर आयुक्त (अपील) के समक्ष इस अधिसूचना की तारीख के ठीक पूर्व लंबित अपीलें उस तारीख से ठीक पूर्व लंबित अपीलें उस तारीख से जिस तारीख को यह अधिसूचना प्रभावी होती है, उस रेज के, जिसको उक्त सर्किल, वार्ड या जिला या उसका भाग अन्तरित हुआ है, सहायक आयकर आयुक्त (अपील)

को अन्तरित की जाएंगी और उसके द्वारा उन पर कार्यवाली की जाएगी।

जहाँ किसी विशिष्ट स्थान पर मुख्यालय वाले सभी संकाल, वार्ड और जिले और किसी महायक आयुक्त (अपील) को समें गए हैं वहाँ ऐसे संकिलों, वार्डों या जिलों की वाबत भी जो अब उनादित किए गए हैं उसी की अधिकारिता ऐसे मुख्यालय पर होती।

[३७८०/फा०सं० २६१/२७/८०-आई०टी०जे०]

New Delhi, the 30th December, 1980

S.O. 1170.—In exercise of the powers conferred by Sub-Section (1) of Section 122 of the Income-tax Act, 1961 (43 of 1961) and in supersession of all the previous notifications in this behalf, the Central Board of Direct Taxes, hereby directs that Appellate Assistant Commissioners of Income-tax of the Ranges specified in column (1) of the Schedule below, shall perform their functions in respect of all persons and income assessed to income-tax in the income-tax Circles, Wards and Districts specified in the corresponding entry in column (2) thereof excluding all persons and incomes assessed to income-tax over which the jurisdiction vests in Commissioners of Income-tax (Appeals).

SCHEDULE

Range	Income-tax Circles/Wards/ Districts
1	2
1. Appellate Assistant Commissioner, Patiala Range Patiala.	All Income-tax Circles, Wards and Districts having Headquarters at : (i) Baranala (ii) Income-tax Circle, Chamba, Kangra, Hamirpur and Una Districts at Palampur (iii) Malenotla (iv) Mandi (v) Patiala (vi) Ropar (vii) Sangrur (viii) Chandigarh (ix) Central Circles at Patiala and Chandigarh and (x) Special Investigation Circles located at Patiala and Chandigarh.
2. Appellate Assistant Commissioner, A-Range, Ludhiana.	Distt. I(1) Distt. I(5) Distt. I(6) Distt. I(7) Distt. II(5) Located at Distt. II(6) Ludhiana. Distt. II(7) Distt. II(8) Spl. Survey Circles I to VI Khanna Circle.
3. Appellate Assistant Commissioner, B-Range Ludhiana.	Distt. I(2) Distt. I(3) Located at Distt. I(4) Ludhiana Distt. II(1) Distt. II(2) Distt. II(3) Distt. II(4) Estate Duty Circle, Ludhiana Central Circles, I to VI, Ludhiana Spl. Investigation Circles at Ludhiana.

(Provided that jurisdiction in respect of Wards, Districts and Circles which have since been abolished would also lie with the A.A.Cs who have present jurisdiction over Circles, Wards and Districts with whom the cases of these Circles, Wards and Districts are presently assessed.)

Whereas the Income-tax Circle, Ward or District or part thereof stands transferred by this Notification from one Range to another Range, appeals arising out of the assessments made in that Income-tax Circle, Ward or District or part thereof and pending immediately before the date of this Notification before the Appellate Assistant Commissioner of the Range from whom that Income-tax Circle, Ward or District or part thereof is transferred shall from the date of this Notification takes effect be transferred to and dealt with by the Appellate Assistant Commissioner of the Range to whom the said Circle, Ward or District or part thereof is transferred.

Where all Circles, Wards and Districts having Headquarters at a particular place have been assigned to an Appellate Assistant Commissioner, he will have jurisdiction in respect of Circles, Wards and Districts at these Headquarters since abolished also.

This Notification shall take effect from 1-1-1981.

[No. 3780/F. No. 261/27/80-ITJ]

नई विली, 2 जनवरी, 1981

आय-कर

का० आ० ११७१—केन्द्रीय प्रत्यक्ष कर बोर्ड, आयकर अधिनियम, 1961 (1961 का 43) की धारा 122 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए और इस संबंध में पूर्ववर्ती अधिसूचनाओं को आंशिक रूप में उपलब्धित करते हुए यह निवेश देता है कि नीचे की अनुसूची के स्तम्भ (1) में विनिर्दिष्ट रेजों के सहायक आयकर आयुक्त (अपील), उसके स्तम्भ (2) में सत्संबंधी प्रविष्टि में विनिर्दिष्ट आयकर संकिलों, वार्डों और जिलों में आयकर से निर्धारित सभी व्यक्तियों और आयों के बारे में, आयकर से निर्धारित ऐसे सभी व्यक्तियों और आयों को छोड़कर जिन पर अधिकारिता आयकर आयुक्त (अपील) में निहित है, अपने कर्तव्यों का पालन करेंगे।

अनुसूची

रेज	आयकर संकिल/वार्ड/जिले
(1)	(2)
I. महायक आयकर आयुक्त, (अपील) 'ब' रेज, नई दिल्ली।	I. कम्पनी संकिल I, IV, V, VI, VIII, IX, XI, XII, XVIII, XXI, XXII, XXIV, XXV, नई दिल्ली।
II. आयकर और सम्पदा ग्रुप्प संकिल, नई दिल्ली।	III. अतिरिक्त सम्पदाशुल्क और आयकर संकिल, नई दिल्ली।

1	2	1	2
	IV. विशेष संकिल I, 1 (अति-रिक्त) VII और IX, नई दिल्ली।		III. Additional Estate Duty-cum-Income-tax Circles, New Delhi.
	V. बकील संकिल, नई दिल्ली।		IV. Special Circles 1, 1 (Addl.), VII & IX, New Delhi.
	VI. ठेकेदार संकिल, नई दिल्ली।		V. Lawyers Circle, New Delhi.
2. महायकर आयकर आयुक्त (अपील) 'ठ' रेंज, नई दिल्ली।	I. जिला VI के सभी नार्ड, नई दिल्ली।		VI. Contractor Circles, New Delhi.
3. महायकर आयकर आयुक्त (अपील), 'ड' रेंज, नई दिल्ली।	II. घ II जिला, नई दिल्ली।	2. All Wards of Distt. VI, New Delhi.	I. Distt. VIII(11), (15), (16), (17), (18), (19), & 19(Addl.), New Delhi.
	I. जिला VIII (11), (15), (16), (17), (18), (19), और (19 अति-रिक्त), नई दिल्ली।	3. Appellate Asstt. Commissioner of Income-tax 'M' Range, New Delhi.	II. Survey Circle-IV & Addl. Survey Circle-IV, New Delhi.
	II. सर्वेक्षण संकिल IV और अतिरिक्त सर्वेक्षण संकिल IV, नई दिल्ली।		

आयकर संकिल, वार्ड या जिला या उसका भाग इम अधिसूचना द्वारा एक रेंज से किसी अन्य रेंज को अंतरित हो गया है, अतः उस आयकर संकिल, वार्ड या जिला या उसके भाग में किए गए निर्धारणों से उद्भूत और उस रेंज के, जिससे वह आयकर संकिल, वार्ड या जिला या उसका भाग अंतरित हुआ है, सहायक आयुक्त (अपील) के समझ इस अधिसूचना की तारीख से ठीक पूर्व लंबित प्रपीलें उस तारीख में जिस तारीख को यह अधिसूचना प्रभावी होती है, उस रेंज के, जिसको उक्त संकिल, वार्ड या जिला या उसका भाग अंतरित हुआ है, सहायक आयुक्त (अपील) को अंतरित की जाएगी और उसके द्वारा उन पर कार्रवाई की जाएगी।

यह अधिसूचना 15-1-1981 से प्रभावी होगी।

[सं० 3784/फा०सं० 261/15/80-आईटी०जे०]

New Delhi, the 2nd January, 1981

(INCOME-TAX)

S. O. 1171.—In exercise of the powers conferred by subsection (1) of Section 122 of the Income-tax Act, 1961 (43 of 1961) and in partial modification of the previous notifications in this regard the Central Board of Direct Taxes, hereby directs that Appellate Assistant Commissioner of Income-tax of the Ranges specified in column (1) of the Schedule below, shall perform their functions in respect of all persons and incomes assessed to income-tax in the Income-tax Circles, Wards and Districts specified in the corresponding entry in column (2) thereof excluding all persons and incomes assessed to Income-tax over which the jurisdiction vests in Commissioner of Income-tax (Appeals).

SCHEDULE

Range	Income-tax Circles/Wards/Districts
1	2
1. Appellate Asstt. Commissioner of Income-tax 'B' Range, New Delhi	I. Company Circles I, IV, V, VI, VII, IX, XI, XVII, XVIII, XXI, XXII, XXIV, XXV, New Delhi. II. Income-tax-cum-Estate Duty Circle, New Delhi.

Whereas the income-tax Circle, Ward or District or part thereof stands transferred by this notification from one Range to another Range, appeals arising out of the assessments made into that Income-tax Circle, Ward or Districts or part thereof and pending immediately before the date of this notification before the Appellate Asstt. Commissioner of the Range from whom that Income-tax Circle, Ward or District or part thereof is transferred shall from the date of this Notification takes effect be transferred to and dealt with by the Appellate Asstt. Commissioner of the Range to whom the said circle, Ward, or District or part thereof is transferred.

This Notification shall take effect from 15-1-1981.

[No. 3784/F. No. 261/15/80-ITJ]

नई दिल्ली, 5 जनवरी, 1981

का०आ० 1172.—केन्द्रीय प्रत्यक्ष कर बोर्ड, आयकर अधिनियम, 1961 (1961 का 43) की धारा 122 की उपधारा (1) द्वारा प्रदत्त शक्तियों का और उन सभी अन्य शक्तियों का, जो उसे इस निमित्स सभी बनाएं, प्रयोग करते हुए, और इस संबंध में सभी पूर्ववर्ती अधिसूचनाओं को अधिक्रान्त करते हुए, यह निर्देश देता है कि नीचे की अनुसूची के स्तम्भ (2) में विनिर्दिष्ट रेंजों के सहायक आयकर आयुक्त (अपील), उसके स्तम्भ (3) में तत्संबंधी प्रविष्टि में विनिर्दिष्ट आयकर संकिलों, वार्डों और जिलों में आयकर या अधिकर में निर्धारित सभी व्यक्तियों और आयों के बारे में अपने कृत्यों का पालन करेंगे :—

अनुसूची		
क्रम सं०	रेंज	आयकर संकिल/वार्ड/जिले
1	2	3
I रेंज, I, मेरठ		1. संकिल-1 (2), मेरठ 2. संकिल-1 (3), मेरठ 3. संकिल-1 (4), मेरठ 4. संकिल-1 (5), मेरठ 5. संकिल-1 (6), मेरठ 6. संकिल-1 (7), मेरठ 7. घ-वार्ड, मेरठ 8. झ-वार्ड, मेरठ 9. ज-वार्ड, मेरठ 10. ज-वार्ड, मेरठ
		11. संकिल-II, ट वार्ड, मेरठ 12. संकिल-I, विशेष वार्ड, मेरठ 13. केन्द्रीय संकिल, II और III, मेरठ।

1	2	3
2.	रेंज-II, मेरठ	1. सर्किल-II, मेरठ 2. ख-वार्ड, मेरठ 3. ग-वार्ड, मेरठ 4. च-वार्ड, मेरठ 5. छ-वार्ड, मेरठ 6. अतिरिक्त छ-वार्ड, मेरठ 7. वेतन सर्किल, मेरठ 8. सर्किल-III, मेरठ 9. केन्द्रीय सर्किल-IV, मेरठ
3.	रेंज-III, मेरठ	1. सर्किल-I (झ), मेरठ 2. क-वार्ड, मेरठ 3. अतिरिक्त क-वार्ड, मेरठ 4. सर्किल-II विशेष वार्ड, मेरठ 5. ग-वार्ड और घ-वार्ड, मुजफ्फरनगर 6. केन्द्रीय सर्किल-I, मेरठ
4.	गाजियाबाद रेंज, गाजियाबाद।	1. गाजियाबाद सर्किल, गाजियाबाद। 2. विशेष सर्किल, गाजियाबाद 3. हापुड सर्किल, हापुड 4. बुलन्दशहर सर्किल, बुलन्द- शहर
4.	मुजफ्फरनगर रेंज, मुजफ्फरनगर।	1. मुजफ्फरनगर सर्किल, 'ग', और 'घ' वार्ड, मुजफ्फरनगर को छोड़कर। 2. संपदाशुल्क और आयकर सर्किल, देहरादून 3. संपदा शुल्क और आयकर सर्किल, मुजफ्फरनगर 4. संपदा शुल्क और आयकर सर्किल, रुड़की 5. शामली सर्किल, शामली
6.	देहरादून रेंज, देहरादून	1. देहरादून सर्किल, देहरादून 2. सहारनपुर सर्किल, सहारन- पुर 3. रुड़की सर्किल, रुड़की 4. अृषिकेश सर्किल, अृषिकेश 5. हरिद्वार सर्किल, हरिद्वार

आयकर सर्किल, वार्ड या जिला या उसका भाग इस अधिसूचना द्वारा एक रेंज से, किसी अन्य रेंज को अंतरित हो गया है, अतः इस आयकर सर्किल, वार्ड या जिला या उसके भाग में किए गए निर्धारणों से उद्भूत और उस रेंज के, जिससे वह आयकर सर्किल, वार्ड या जिला या उसका

भाग अंतरित हुआ है, सहायक आयुक्त (प्रीपील) के समक्ष इस अधिसूचना को तारीख से ठीक पूर्व लंबित अपीलें उस तारीख से जिस तारीख को यह अधिसूचना प्रभावी होती है, उस रेंज के, जिसको उक्त सर्किल, वार्ड या जिला या उसका भाग अंतरित हुआ है, सहायक आयुक्त (प्रीपील) को अंतरित की जाएगी और उसके द्वारा उन पर कार्रवाई की जाएगी।

यह अधिसूचना 12-1-1981 में प्रभावी होगी।

[सं. 3786/का० सं. 261/10/80-आई टी जे]

New Delhi, the 5th January, 1981

S.O. 1172.—In exercise of the powers conferred by sub-section (1) of section 122 of Income-tax Act, 1961 (43 of 1961) and all other powers enabling it in that behalf and in supersession of all previous notifications in this regard, the Central Board of Direct Taxes hereby directs that the Appellate Asstt. Commissioners of Income-tax of the Ranges specified in column (2) of the schedule below shall perform their functions in respect of all persons and incomes assessed to Income Tax or supertax in the Income-tax Circles, Wards and Districts specified in the corresponding entry in column (3).

SCHEDULE

Sl.No.	Range	Income-tax Circles/Ward/District	3
		1	2
1.	Range-I, Meerut	(i) Circle-1(2), Meerut (ii) Circle-1(3), Meerut (iii) Circle-1(4), Meerut (iv) Circle-1(5), Meerut (v) Circle-1(6), Meerut (vi) Circle-1(7), Meerut (vii) D-Ward, Meerut (viii) E-Ward, Meerut (ix) H-Ward, Meerut (x) J-Ward, Meerut (xi) Circle-II, K-Ward, Meerut (xii) Circle-I Spl. Ward, Meerut (xiii) Central Circle-II & III, Meerut	
2.	Range-II, Meerut	(i) Circle-II, Meerut (ii) B-Ward, Meerut (iii) C-Ward, Meerut (iv) F-Ward, Meerut (v) G-Ward, Meerut (vi) Addl. G-Ward, Meerut (vii) Salary Circle, Meerut (viii) Circle-III, Meerut (ix) Central Circle-IV, Meerut	
3.	Range-III, Meerut	(i) Circle-1(I), Meerut (ii) A-Ward, Meerut (iii) Additional A-Ward, Meerut (iv) Circle-II Spl. Ward, Meerut (v) C-Ward & D-Ward Muza- ffarnagar (vi) Central Circle-I, Meerut	
4.	Ghaziabad Range, 'Ghaziabad.'	(i) Ghaziabad Circle, Ghazi- abad. (ii) Special Circle, Ghaziabad. (iii) Hapur Circle, Hapur. (iv) Bulandshahr Circle, Bulandshahr.	

1	2	3	अनुसूची
5.	Muzaffarnagar Range, Muzaffarnagar	(i) Muzaffarnagar Circle except 'C' & 'D' Ward Muzaffarnagar. (ii) Estate Duty-cum-Income tax Circle, Dehradun. (iii) Estate Duty-cum-Income- tax Circle, Muzaffarnagar. (iv) Estate Duty-cum-Income- tax Circle, Roorkee. (v) Shamli Circle, Shamli.	भारतसाधन और आयकर वार्ड और मुख्यालय संकिल
6.	Dehradun Range, Dehradun	(i) Dehradun Circle. Dehradun. (ii) Saharanpur Circle, Saharanpur (iii) Roorkee Circle, Roorkee. (iv) Rishikesh Circle, Rishikesh. (v) Hardwar Circle, Haldwai.	सहायक आयुक्त (निरीक्षण) के रेज

Whereas an Income-tax Circle/Ward or District or part thereof stands transferred by this notification from one Range to another Range, appeals arising out of assessments made in the Income-tax Circle, Ward, or District or part thereof and pending immediately before the date of this notification before the Appellate Assistant Commissioner of Income tax Range from whom that Income tax Circle, Ward or District or part thereof is transferred to and dealt with by the Appellate Assistant Commissioner of Income tax of the Range to whom that said Circle, Ward, or District or part thereof is transferred to.

This notification shall take effect from 12-1-1981.
[No. 3786/F.No.261/10/80-JTJ]

नई दिल्ली, 9 जनवरी, 1981

का०आ० 1173—केन्द्रीय प्रत्यक्ष कर बोर्ड, आयकर अधिनियम, 1961 (1961 का 43) की धारा 121-की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए और सभी पूर्ववर्ती आवेदनों को अधिकांत करते हुए यह निदेश देता है कि नीचे अनुसूची के स्तम्भ (1) में विनिर्दिष्ट भारतसाधनों के आयकर आयुक्त (अपील), उसके स्तम्भ (2) और (3) में तत्संबंधी प्रविष्टियों में विनिर्दिष्ट आयकर वार्डों, संकिल, जिलों और रेजों में आयकर या अधिकार या व्याजकर से निर्धारित ऐसे व्यक्तियों के बारे में, जो आयकर अधिनियम, 1961 की धारा 246 की उपधारा (2) के खण्ड (क) से (ज) तक, व्याज कर अधिनियम, 1974 (1974 का 45) की धारा 15 की उपधारा (1) में उल्लिखित किसी भी आवेदनों से व्यक्ति है, और ऐसे व्यक्तियों या व्यक्ति वर्ग की बाबत भी, जिनके लिए बोर्ड ने आयकर अधिनियम, 1961 की धारा 246 की उपधारा (2) के खण्ड (i) के उपबन्धों के अनुसार निवेदन दिया है या भविष्य में निवेदन है, कृत्यों का पालन करेगे।

1	2	3
1. आयकर आयुक्त (अपील) राजस्थान - 1, जयपुर।	निम्नलिखित स्थानों पर स्थित सभी वार्ड/ संकिल :	1. स०आ०नि०-रेज 1 जयपुर
2. स०आ०नि० रेज 2, जयपुर	2. संपदा शुल्क और आयकर संकिल, जयपुर।	3. स०आ०नि०- उदयपुर
3. अजमेर	3. अजमेर	4. स०आ०नि०- अजमेर।
4. ब्यावर	4. ब्यावर	5. स०आ०नि०- निर्धारण I, जयपुर
5. कोटा	5. कोटा	6. सा०आ०नि०- निर्धारण II जयपुर
6. बूदी	6. बूदी	7. स०आ०नि०- निर्धारण III जयपुर
7. सथाई माधोपुर	7. सथाई माधोपुर	8. स०आ०नि० निर्धारण, जयपुर
8. मालावाड़	8. मालावाड़	
9. सीकार	9. सीकार	
10. मुक्कनू	10. मुक्कनू	
11. उदयपुर	11. उदयपुर	
12. चित्तोड़गढ़	12. चित्तोड़गढ़	
13. भीलवाड़ा	13. भीलवाड़ा	
14. सिरोही	14. सिरोही	
15. ग्रलवर	15. ग्रलवर	
2. आयकर आयुक्त (अपील) राजस्थान II, जयपुर।	निम्नलिखित स्थानों पर स्थित सभी वार्ड/ संकिल :	1. स०आ०नि० रेज 1, जयपुर
3. भरतपुर	3. भरतपुर	2. स०आ०नि० जोधपुर
4. पाली	4. पाली	3. स०आ०नि० बीकानेर
5. बाड़मेर	5. बाड़मेर	
6. जासौर	6. जासौर	
7. बीकानेर	7. बीकानेर	
8. नागौर	8. नागौर	
9. चूरू	9. चूरू	
10. श्री गंगानगर	10. श्री गंगानगर	
11. हनुमान गढ़	11. हनुमान गढ़	

आयकर संकिल, बाईं या जिला या रेंज या उसका भाग इस अधिसूचना द्वारा एक भारसाधन से किसी अन्य भारसाधन को अन्तरित हो गया है, अतः उस आयकर संकिल, बाईं या जिले या रेंज या उसके भाग में किए गए निर्धारणों से उत्पन्न होने वाली और उस भारसाधन के, जिससे वह आयकर संकिल, बाईं या जिला या रेंज या उसका भाग अन्तरित हुआ है, आयकर आयुक्त (अपील) के समझ इस अधिसूचना की तारीख के ठीक पूर्व लंबित अपीले उस तारीख से जिस तारीख से यह अधिसूचना प्रभावी होती है, उस भारसाधन के जिसको उक्त संकिल, बाईं या जिला या रेंज या उमका भाग अन्तरित हुआ है, आयकर आयुक्त अपील को अन्तरित की जाएगी और उसके द्वारा उन पर कार्यवाही की जाएगी।

यह अधिसूचना 20-1-1981 से प्रभावी होगी।

[सं० 3790/फा०सं० 261/19/80-आई० टी० जे०]

अरजद सिंह, अव० सचिव

New Delhi, the 9th January, 1981

S. O. 1173.—In exercise of the powers conferred by sub-section (1) of Section 121A of the Income-tax Act, 1961 (43 of 1961) and in supersession of all the earlier orders, the Central Board of Direct Taxes hereby directs that the Commissioners of Income-tax (Appeals) of the Charges specified in Column (1) of the Schedule below, shall perform their functions in respect of such persons assessed to income-tax or sur-tax or interest tax in the Income-tax Wards, Circles, Districts and Ranges specified in the corresponding entries in column (2) and column (3) thereof as are aggrieved by any of the orders mentioned in clauses (a) to (h) of sub-section (2) of Section 246 of the Income-tax Act, 1961, in sub-section (1) of the Section 15 of the Interest Tax Act, 1974 (45 of 1974) and also in respect of such persons or classes of persons as the Board has directed or may direct in future in accordance with the provisions of clause (i) of sub-section (2) of Section 246 of the Income-tax Act, 1961.

	1	2	3
2. Commissioner of Income-tax (Appeals) Rajasthan-I Jaipur.	All Wards/Circles at 1. Jaipur 2. Estate-Duty-cum-Income-tax Circle Jaipur.	Alt Wards/Circles at 1. I.A.C. Range-I, Jaipur 2. I.A.C. Range-II, Jaipur	1. I.A.C. Range-I, Jaipur 2. I.A.C. Jodhpur 3. I.A.C., Bikaner.
Rajasthan-II Jaipur.	3. Ajmer 4. Beawar 5. Kota 6. Bundi	3. I.A.C., Udaipur 4. I.A.C. Ajmer 5. I.A.C. Assessment-I, Jaipur 6. I.A.C. Assessment-II, Jaipur	2. Jodhpur. 3. Bharatpur 4. Pali 5. Barmer 6. Jalore 7. Bikaner 8. Nagaur 9. Churu 10. Sriganganagar 11. Hanumangarh
	7. Sawaimadhopur. 8. Jhalwar 9. Sikar 10. Jhunjhunu 11. Udaipur 12. Chittorgarh 13. Bhilwara 14. Sirehi 15. Alwar	7. I.A.C. Assessment III Jaipur 8. I.A.C. Assessment Jaipur	

Whereas the Income-tax Circle, Ward or District or range or part thereof stands transferred by this Notification from one charge to another charge, appeals arising out of the assessments made in that Income-tax Circle, Ward or District or range or part thereof and pending immediately before the date of this Notification before the Commissioner of Income-tax (Appeals) of the Charge from whom that Income-tax Circle, Ward or District or Range or part thereof is transferred shall from the date of this Notification takes effect, be transferred to and dealt with by the Commissioner of Income-tax (Appeals) of the Charge to whom the said Circle, Ward or District or Range or part thereof is transferred.

This Notification shall take effect from 20-1-1981

[No. 3790/F.No.261/19/80-ITJ]

AJAI SINGH, Under Secy.

नई दिल्ली, 11 दिसम्बर, 1980

आयकर

S.O. 1174.—केन्द्रीय प्रत्यक्ष कर बोर्ड, आयकर अधिनियम, 1961 (1961 का 43) की धारा 121-क की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए और पहले जारी की गई अधिसूचनाओं के आंशिक उपान्तरण में, यह निर्देश देता है कि नीचे अनुसूची के स्तंभ (1) में विनिर्दिष्ट भारसाधनों के आयकर आयुक्त (अपील), उसके स्तंभ (2) की तत्त्वमन्त्री प्रविधियों में विनिर्दिष्ट आयकर वालों, संकिलों, जिलों और रेंजों में आयकर या अतिकर या अव्याजकर से निर्धारित ऐसे व्यक्तियों के बारे में, जो आयकर अधिनियम, 1961 की धारा 246 की उपधारा (2) के खण्ड (क) में (ज) तक, कम्पनी (लाइ) अतिकर अधिनियम, 1964 (1964 का 7) की धारा 11 की उपधारा (1) और अव्याजकर अधिनियम, 1974 (1974 का 45) की धारा 15 की उपधारा (1) में उल्लिखित किसी भी आदेश से व्यवित है, और ऐसे व्यक्तियों या व्यक्ति वर्ग की बाबत भी, जिनके लिए बोर्ड ने आयकर अधिनियम, 1961 की धारा 246 की उपधारा (2) के खण्ड (1) के उपबंधों के अनुसार निर्देश दिया है या भविष्य में निर्देश दे, कृत्यों का पालन करेगा।

Charges with Headquarters	Income-tax Wards and circles	Ranges of Inspecting Asstt. Commr. of Income-tax
1	2	3
1. Commissioner of Income-tax (Appeals) Rajasthan-I Jaipur.	All Wards/Circles at 1. Jaipur 2. Estate-Duty-cum-Income-tax Circle Jaipur.	1. I.A.C. Range-I, Jaipur 2. I.A.C. Range-II, Jaipur
Rajasthan-II Jaipur.	3. Ajmer 4. Beawar 5. Kota 6. Bundi	3. I.A.C., Udaipur 4. I.A.C. Ajmer 5. I.A.C. Assessment-I, Jaipur 6. I.A.C. Assessment-II, Jaipur
	7. Sawaimadhopur. 8. Jhalwar 9. Sikar 10. Jhunjhunu 11. Udaipur 12. Chittorgarh 13. Bhilwara 14. Sirehi 15. Alwar	7. I.A.C. Assessment III Jaipur 8. I.A.C. Assessment Jaipur

अनुसूची

भारसाधन और मुख्यालय	आय-कर वार्ड और सर्किल सह- यक आय-कर आयुक्त (निरीक्षण) के निर्धारण रेज
1	2
आयुक्त (अपील) — 5, नई दिल्ली	<ol style="list-style-type: none"> 1. कम्पनी सर्किल — 3, 12, 13 और 23 2. चार्टर्ड अकाउन्टेन्ट सर्किल 3. जिला 11(1) और 11(2) 4. आई० ए० सी० निर्धारण रेज- 4-व 5. बकील सर्किल, नई दिल्ली 6. न्यास सर्किल, नई दिल्ली 7. किकित्सक सर्किल, नई दिल्ली।

आय-कर सर्किल, वार्ड या जिला या उसका भाग इस अधिसूचना द्वारा एक भारसाधन से किसी अन्य भारसाधन को अन्तरित हो गया है, अतः उस आय-कर सर्किल, वार्ड या जिले या उसके भाग में किंग गए निर्धारणों से उत्पन्न होने वाली और उस भारसाधन के, जिससे वह आय-कर सर्किल, वार्ड या जिला या उसका भाग अन्तरित हुआ है, आय-कर आयुक्त के समक्ष इस अधिसूचना की तारीख के ठीक पूर्व लम्बित अपीलें उस तारीख से जिस तारीख को यह अधिसूचना प्रभावी होती है, उस रेज के, जिसको उक्त सर्किल, वार्ड या जिला या उसका भाग अन्तरित हुआ है, आय-कर आयुक्त को अन्तरित की जाएंगी और उसके द्वारा उन पर कार्यवाही की जाएंगी।

यह अधिसूचना 15-12-80 से प्रभावी होगी।

[सं० 3764/फा० सं० 261/7/80-आई० टी० जे०]

ओ० एन० धेहरोत्ता, निदेशक,
केन्द्रीय प्रत्यक्ष कर बोर्ड

New Delhi, the 11th December, 1980

INCOME-TAX

S.O. 1174.—In exercise of the powers conferred by subsection (1) of Section 121-A of the Income-tax Act 1961 (43 of 1961) and in partial modification of the notification issued earlier, the Central Board of Direct Taxes hereby directs that the Commissioner of Income-tax (Appeals) of the charges specified in Col. No.(1) of the Schedule below, shall perform their functions in respect of such persons assessed to Income-tax or surtax or interest-tax in the Income-tax Wards, Circles, Districts and Ranges specified in the corresponding entries in columns (2) thereof as are aggrieved by any of the orders mentioned in clauses (a) to (h) of sub-section (2) of Section (2) of Section 246 of the Income-tax Act, 1961 in sub-section(1) of Section II of Companies (Profits) Sur-tax Act, 1964 (7 of 1964) and in sub-section (1) of Section 15 of the Interest Tax Act, 1974 (45 of 1974) and also in respect of such persons or classes of persons as the Board has directed or may direct in future in accordance with the provisions of clause(i) of sub-section(2) of Section 246 of the Income-tax Act, 1961.

SCHEDULE

Charges with headquarters	Income-tax Wards/Circles I.A.C Assessment Ranges
1	2
Commissioner (Appeals)-V New Delhi.	<ol style="list-style-type: none"> 1. Company Circles-III, XII, XIII and XXIII. 2. Chartered Accountants Circles. 3. District-XI(1) and XI(2). 4. I.A.C. Assessment Range-IV-D 5. Lawyers Circles, New Delhi. 6. Trusts Circles, New Delhi. 7. Doctors Circles, New Delhi.

Whereas an Income-tax Circle, Ward or District or part thereof stands transferred by this Notification from one Charge to another Charge, appeals arising out of assessments made in that Income-tax Circles, Ward or District or part thereof and pending immediately before the date of this Notification before the Commissioner of Income-tax of the Charge from whom the Income-tax Circle, Ward, or District or part thereof is transferred to and dealt with by the Commissioner of Income-tax of the Charge to whom the said Circle, Ward or District or part thereof is transferred.

This Notification shall take effect from 15-12-80.

[No. 3764 F.No.261/7/80-ITJ]

O. N. Mehrotra
Director, Central Board of
Direct Taxes.

वाणिज्य मंडालय

(वाणिज्य विभाग)

नई दिल्ली, 11 अप्रैल, 1981

का० आ० 1175.—निर्यात (क्वालिटी नियंत्रण और निरीक्षण) अधिनियम, 1963 (1963 का 22) की धारा 7 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार निर्यात निरीक्षण अभिकरण मद्रास को खनिज तथा अपस्क ग्रुप 1 के निरीक्षण के लिए अभिकरण के रूप में एक वर्ष की और अवधि के लिए एतद्वारा मात्यता देती है।

[सं० 5(5)/77-नि० तथा नि०उ०]

MINISTRY OF COMMERCE

(Department of Commerce)

New Delhi, the 11th April, 1981

S.O. 1175.—In exercise of the powers conferred by Section 7 of the Export (Quality Control and Inspection) Act, 1963 (22 of 1963), the Central Government hereby recognises for a further period of one year Export Inspection Agency Madras as an Agency for the inspection of Minerals and ores Group I.

[No. 5(5)/77-EI & EP]

भावेश

नई दिल्ली, 11 अप्रैल, 1981

का० आ० 1176.—निर्यात (क्वालिटी नियंत्रण और निरीक्षण) अधिनियम, 1963 (1963 का 22) की धारा 6 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार की यह

राय है कि भारत के निर्यात व्यापार के विकास के लिए ऐसा करना आवश्यक और सभीचीन है कि अवशोषक सूती ऊन का निर्यात में पूर्व क्वालिटी नियंत्रण और निरीक्षण किया जाए;

और केन्द्रीय सरकार ने उक्त प्रयोजन के लिए नीचे विनिर्दिष्ट प्रस्ताव बनाए हैं और उन्हें निर्यात (क्वालिटी नियंत्रण और निरीक्षण) नियम, 1964 के नियम 11 के उप-नियम (2) की अपेक्षानुसार निर्यात निरीक्षण परिषद का भेज दिया है,

अतः उक्त उप-नियम के अनुसरण में केन्द्रीय सरकार उक्त प्रस्तावों को उन व्यक्तियों की जानकारी के लिए प्रकाशित करती है जिनके उनसे प्रभावित होने की संभावना है।

2 इसके द्वारा सूचना दी जाती है कि उक्त प्रस्तावों के बारे में कोई आधिकारिक या सुशोभ देने का इच्छुक कोई व्यक्ति इस द्वारा के राजपत्र में प्रकाशित होने की तारीख में पैलालीस दिन के भीतर निर्यात निरीक्षण परिषद 'ब्लॉडेंसेन्टर' 14/1 थी। एजरा स्ट्रीट (आठवीं मंजिल) कलकत्ता-1 का भेज सकता है।

प्रस्ताव

(1) यह अधिभूतित करना कि अवशोषक सूती ऊन का निर्यात में पूर्व क्वालिटी नियंत्रण और निरीक्षण किया जाएगा,

(2) इस द्वारा के उपाधन्य 1 में दी गई अवशोषक सूती ऊन का निर्यात (क्वालिटी नियंत्रण और निरीक्षण) नियम, 1981 के प्रारूप के अनुसार क्वालिटी नियंत्रण और निरीक्षण के प्रकार को क्वालिटी नियंत्रण और निरीक्षण के दोनों प्रकार के रूप में विनिर्दिष्ट करना जो निर्यात से पूर्व ऐसी अवशोषक सूती ऊन पर लागू होगा,

(3) (क) गण्डीय और अन्तर्राष्ट्रीय फर्माकोपियासामाया फर्माक्युटिकल कोड को और निर्यात निरीक्षण परिषद द्वारा मान्यता प्राप्त अन्य निकायों के मानकों को;

(ख) संविदात्मक विनिर्देशों को, जब ऐसे विनिर्देश उपर (क) में नीचे के नहीं हैं,

—अवशोषक सूती ऊन के लिए मानक विनिर्देशों के रूप में मान्यता देना।

(4) अन्तर्राष्ट्रीय व्यापार के दौरान ऐसी अवशोषक सूती ऊन के निर्यात को तब तक प्रतिविहृत करना जब तक कि उनके साथ निर्यात (क्वालिटी नियंत्रण और निरीक्षण) अधिनियम, 1963 (1963 का 22) की धारा 7 के अधीन केन्द्रीय सरकार द्वारा स्थापित अभिकरणों में से किसी एक के द्वारा जारी किया गया इस आशय का प्रमाण पत्र नहीं है कि अवशोषक सूती ऊन उपरोक्त मानक विनिर्देशों के अनुरूप है।

3. इस द्वारा की कोई भी बात भावी व्यापारों को भूमि, समुद्र या वायु मार्ग द्वारा अवशोषक सूती ऊन (जो

2 किंवद्दन से अधिक नहीं होती) के नमूनों पर लागू नहीं होती।

4. इस द्वारा में "अवशोषक सूती ऊन" में कोमल, सफेद तंतुओं की कर्तित ऊन की संहति अभिप्रेत है जो लगभग पूर्णतः सेलुलोस का है जिसमें अवशोषक विशेषताएँ हैं और उस रूप से बना है जो गैसीपियस हर्बेसियम और गैसीपियम (फेम मालवेसी) की बोई गई अन्य किस्मों से बना है जिसमें से बीज यांत्रिक प्रणाली से अलग किए जाते हैं और जिससे अल्कली की अभिक्रिया करके वस्ता पदार्थ निकाला जाता है, रंग जाता है धोया जाता है और यांत्रिक रूप से छोला किया जाता है। अवशोषक सूती ऊन अविवैले रंग से रंगी जाती है और उसमें बोरि अस्प भी हो सकता है।

उपाधन्य 1

(पैरा 2 का उप-पैरा (2) देखिए)

निर्यात (क्वालिटी नियंत्रण और निरीक्षण) अधिनियम, 1963 (1963 का 22) की धारा 17 के अधीन बनाए जाने वाले प्रस्तावित नियमों का प्रारूप।

1. सक्षिप्त नाम और प्रारम्भ—(1) इन नियमों का सक्षात् नाम अवशोषक सूती ऊन निर्यात (क्वालिटी नियंत्रण और निरीक्षण) नियम, 1981 है।

2. परिभाषाएँ—इन नियमों में जब तक कि मदर्भ में अन्यथा अपेक्षित न हों,

(क) "अधिनियम" में निर्यात (क्वालिटी नियंत्रण और निरीक्षण), अधिनियम, 1963 (1963 का 22) अभिप्रेत है;

(ख) "अभिकरण" से अधिनियम की धारा 7 के अधीन मुम्बई, कलकत्ता, कोल्काता, दिल्ली और मद्रास में स्थापित अभिकरणों में से कोई एक अभिकरण अभिप्रेत है;

(ग) "परिषद" से अधिनियम, की धारा 3 के अधीन स्थापित निरीक्षण परिषद अभिप्रेत है,

(घ) "अवशोषक सूती ऊन" से कोमल, सफेद तंतुओं की कर्तित ऊन की संहति अभिप्रेत है जो लगभग पूर्णतः सेलुलोस का है जिसमें अवशोषक विशेषताएँ हैं और उस रूप से बना है जो गैसीपियस हर्बेसियम और गैसीपियम (फेम मालवेसी) की बोई गई अन्य किस्मों से बना है जिसमें से बीज यांत्रिक प्रणाली से अलग किए जाते हैं और जिससे अल्कली की अभिक्रिया करके वस्ता पदार्थ निकाला जाता है, रंग जाता है धोया जाता है और यांत्रिक रूप से छोला किया जाता है। अवशोषक सूती ऊन अविवैले रंग से रंगी जाती है और उसमें बोरि अस्प भी हो सकता है।

3. निरीक्षण का आधार—नियाति के लिए अवशोषक सूती ऊन का निरीक्षण इस दृष्टि में किया जाएगा कि अवशोषक सूती ऊन निर्याति (क्वालिटी नियंत्रण और निरीक्षण) अधिनियम, 1963 (1963 का 22) की धारा 6 के अधीन केन्द्रीय सरकार द्वारा मान्यता प्राप्त विनिर्देशों के अनुसूची है, अर्थात् :—

(I) गट्टीय और अन्तर्राष्ट्रीय फर्मकोपीमिया या फर्मकिटिकल कोड और निर्याति निरीक्षण परिषद द्वारा मान्यता प्राप्त अन्य निकायों के मानकों और (II) संविशात्मक विनिर्देश परन्तु जो उपर (क) में कम नहीं है—

या

(क) यह सुनिश्चित करके कि उत्पाद का विनिर्माण उत्पादन के दौरान उपावन्ध-II में विनिर्दिष्ट के अनुसार आवश्यक क्वालिटी नियंत्रण का प्रयोग करने वाले किया गया है।

या

(ख) उपावन्ध-III में विनिर्दिष्ट गति के अनुसार किए गए निरीक्षण और परीक्षण के आधार पर।

4. निरीक्षण की प्रक्रिया—(1) अवशोषक सूती ऊन के परेषण का निर्यात करने का इच्छुक नियातिकर्ता अभिकरण को संविशात्मक विनिर्देशों का ब्यौरा देते हुए लिखित रूप में सूचना देगा और ऐसी सूचना के साथ निर्यात संविशा या आवेदन की एक प्रति भी देगा ताकि अभिकरण नियम 3 के अनुसार निरीक्षण कर सके।

(2) अवशोषक सूती ऊन के निर्यात के लिए जिसका विनिर्माण उपावन्ध-II में अधिकथित उत्पादन के दौरान पर्याप्त क्वालिटी नियंत्रण का प्रयोग करते हुए किया गया है और यदि उस देश में इस प्रयोजन के लिए परिषद द्वारा या परिषद द्वारा गठित विशेषज्ञों के पैनल द्वारा विनिर्माण एकक को उत्पादन के दौरान पर्याप्त क्वालिटी नियंत्रण को प्रयोग करते हुए निर्णीत किया गया है तो नियातिकर्ता उप-नियम (1) में वर्णित सूचना के साथ इस आशय की घोषणा भी देगा कि निर्यात के लिए आशायित अवशोषक सूती ऊन के परेषण का विनिर्माण उपावन्ध-II में अधिकथित पर्याप्त क्वालिटी नियंत्रणों का प्रयोग करते हुए किया गया है और परेषण उम प्रयोजन के लिए विधि मान्य मानक विनिर्देशों के अनुसूची है।

(3) ऐसी प्रत्येक सूचना या घोषणा या दोनों की एक-एक प्रति क्रमशः परिषद के किसी भी कार्यालय को जो निरीक्षण के स्थान के निकटतम है, भेजी जाएगी, अर्थात् :—

मुख्य कार्यालय : निर्याति निरीक्षण परिषद, 'बल्ड ट्रैड सेन्टर' 14/1 बी० एंजरा स्ट्रीट (आठवीं मंजिल) कলकत्ता-700001.

क्षेत्रीय कार्यालय : निर्याति निरीक्षण परिषद, अमन चैम्बर्स, 113, महाप्री कार्वे रोड, मुम्बई400004.

निर्याति निरीक्षण परिषद, मनोहर ब्रिलिंग, महान्मा गार्डी रोड, प्रांताकूलम, कोचीन-682011.

: निर्याति निरीक्षण परिषद, म्यूनिसिपल मार्केट ब्रिलिंग, 3, सरस्वती मार्ग, करील बाग, नई दिल्ली-110005.

(4) नियातिकर्ता अभिकरण का परेषण पर लगाए जाने वाले पहचान अंग्रेजी भी देगा।

(5) उप-नियम (1) के अधीन प्रत्येक सूचना और उप-नियम (2) के अधीन घोषणा, यदि कोई हो, विनिर्माता के परिसर में परेषण के भेजे जाने से कम में कम सात दिन पहले दी जाएगी।

(6) उप-नियम (1) के अधीन सूचना और उप-नियम (2) के अधीन घोषणा, यदि कोई हो, प्राप्त होने पर अभिकरण :

(क) अपना यह समाधान कर लेने पर कि विनिर्माण की प्रक्रिया के दौरान विनिर्माता ने उपावन्ध-II में अधिकथित पर्याप्त क्वालिटी नियंत्रणों का प्रयोग किया है और इस प्रयोजन के लिए विधि मान्य मानक विनिर्देशों के अनुसूची उत्पादन का विनिर्माण करने के मध्यम में परिषद द्वारा जारी किए गए अनुदेशों को, यदि कोई हो, का पालन किया गया है सात दिन के भीतर यह घोषणा करते हुए, प्रमाणपत्र जारी करेगा कि अवशोषी सूती ऊन का परेषण निर्यात योग्य है। तथापि परेषण का भौतिक सत्यापन किया जाएगा और ऐसा सत्यापन और निरीक्षण जैसा आवश्यक हो अभिकरण द्वारा यह सुनिश्चित करने के लिए किया जाएगा कि उपरोक्त गतों का पालन किया गया है। अभिकरण नियाति के लिए आशायित कुछ परेषणों की मार्कें पर जाच करेगा,

(ख) ऐसे मामलों में जहां नियातिकर्ता ने उप-नियम (2) के अधीन यह घोषित नहीं किया है कि उपावन्ध-II में अधिकथित पर्याप्त क्वालिटी नियंत्रण का प्रयोग किया गया है, अपना यह समाधान कर लेने पर कि अवशोषक सूती ऊन का परेषण उपावन्ध-III में अधिकथित के अनुसार

किए गए निरीक्षण या परीक्षण या दोनों के आधार पर उस प्रयोजन के लिए विधि मान्य मानव विनिर्देशों के अनुसूच्य है, ऐसा निरीक्षण करने के सात दिन के भीतर यह घोषित करते हुए, प्रमाण-पत्र जारी करेगा कि अवशोषक सूची उन का परेषण निर्यात योग्य है:

परन्तु जहां अभिकरण का इस इकार समाधान नहीं होता है वहां वह उन सात दिन की अवधि के भीतर निर्यातकर्ता को यह घोषणा करते हुए प्रमाण-पत्र जारी करने से इंकार कर देगा कि अवशोषक सूची उन का परेषण निर्यात योग्य है और ऐसे इंकार की सूचना उसके कारणों महित निर्यातकर्ता को देगा।

(7) ऐसे मामलों में, जहां विनिर्माता निर्यातकर्ता नहीं है या परेषण का उप-नियम (6) (ब) के अधीन निरीक्षण किया जाता है या दोनों दशाओं में निरीक्षण की समाप्ति के तुरन्त पश्चात् अभिकरण परेषण में पैकेजों को इस गीति से मुहरबन्द करेगा कि यह सुनिश्चित हो जाए कि मुहरबन्द पैकेजों को छोड़ा न जा सके। परेषण के अस्वीकृति किए जाने की दशा में, यदि निर्यातकर्ता ऐसा चाहे तो परेषण अभिकरण द्वारा मुहरबन्द नहीं किया जाएगा परन्तु ऐसे मामलों में निर्यातकर्ता अस्वीकृति के विरुद्ध अपील करने का हकदार नहीं होगा।

5. निरीक्षण का स्थान:—इन नियमों के अधीन प्रत्येक निरीक्षण या—तो (क) ऐसे उत्पाद के विनिर्माता के परिसर पर किया जाएगा; या (ब) उस परिसर पर किया जाएगा जहां निर्यातकर्ता द्वारा माल प्रस्तुत किया जाता है, परन्तु जब वहां इस प्रयोजन के लिए पर्याप्त सुविधाएं विद्यमान हैं।

6. निरीक्षण फीस—प्रत्येक परेषण के लिए न्यूनतम 50 रुपए के अधीन रहते हुए प्रत्येक ऐसे परेषण के पोत पर्याप्त निःशुल्क मूल्य के प्रत्येक एक सौ रुपए के लिए पचास पैसे की दर से फीस निरीक्षण फीस के रूप में दी जाएगी।

7. अपील—(1) नियम 4 के उपनियम (6) के अधीन अभिकरण द्वारा प्रमाण-पत्र देने से इंकार किए जाने से कोई व्यक्ति ऐसे इंकार की सूचना उसके द्वारा प्राप्त होने के दस दिन के भीतर केन्द्रीय सरकार द्वारा इस प्रयोजन के लिए गठित विशेषज्ञों के पैनल को, जिसमें कम से कम तीन और अधिक से अधिक सात व्यक्ति होंगे, अपील कर सकेगा।

(2) पैनल के विशेषज्ञों की कुल सदस्यता के दो तिहाई सदस्य अशासकीय व्यक्ति होंगे।

(3) पैनल के विशेषज्ञों की गणपूर्ति तीन से होंगी।

(4) अपील, विशेषज्ञों के पैनल द्वारा उसके प्राप्त होने के पन्द्रह दिनों के भीतर निपटा दी जाएगी।

उपांग III

[नियम 3 (क) के अधीन वेखिए]
क्वालिटी नियंत्रण—

विनिर्माता अवशोषक सूची ऊन का क्वालिटी नियंत्रण उत्पादों के विनिर्माण परिक्षण और दैकिंय के विभिन्न प्रक्रमों पर, जो नीचे अधिकार्थित हैं और इसमें संलग्न अनुसूची में दिए गए नियंत्रण के रत्तों पर, निम्नलिखित नियंत्रणों का प्रयोग करते हुए सुनिश्चित करेगा।

(i) क्रय और कच्ची सामग्री का नियंत्रण—

(क) विनिर्माता प्रयोग की जाने वाली कच्ची सामग्री की विशेषताओं की समाविष्ट करते हुए क्रय विनिर्देश अधिकार्थित करेगा।

(ख) स्वीकृत परेषणों के साथ या तो क्रय विनिर्देशों की अपेक्षाओं की संतुष्टि करते हुए, प्रदायकर्ता का परीक्षण और निरीक्षण प्रमाण-पत्र की शुद्धता, को सत्यापित करने के लिए, किसी विशिष्ट प्रदायकर्ता के लिए इस परेषणों में से कम से कम एक बार आकस्मिक जांच करेगा या क्रय की गई सामग्री का कारब्बाने के भीतर स्थित प्रयोगशाला में या बाहरी प्रयोगशाला में या परीक्षण गृह में नियमित रूप से परीक्षण और निरीक्षण किया जाएगा।

(ग) निरीक्षण या परीक्षण के लिए नमूने लेना अभिलेखित अन्वेषणों पर आधारित होगा।

(घ) निरीक्षण या परीक्षण किए जाने के पश्चात् अस्वीकृत और स्वीकृत सामग्री का पृथक्करण तथा अस्वीकृत सामग्री का व्ययन करने के लिए व्यवस्थित पद्धतियां अपनाई जाएंगी।

(ङ) उपरोक्त नियंत्रणों के संबंध में विनिर्माता पर्याप्त अभिलेख नियमित और व्यवस्थित रूप से रखेगा।

(ii) प्रक्रिया नियंत्रण—

(क) विनिर्माता विनिर्माण के विभिन्न स्तरों के लिए व्यावेचार प्रक्रिया विनिर्देश अधिकार्थित करेगा।

(ख) प्रक्रिया विनिर्देशों में अधिकार्थित प्रक्रियाओं को नियंत्रित करने के लिए उपस्कर और उपकरण की पर्याप्त सुविधाएं होंगी।

(ग) विनिर्माण की प्रक्रिया के दौरान, नियंत्रण के सत्यापन की संभावना को सुनिश्चित करने के लिए विनिर्माता द्वारा पर्याप्त अभिलेख रखे जाएंगे।

(iii) उत्पाद नियंत्रण—

(क) यह जांच करने के लिए कि उत्पाद अधिनियम की धारा 6 के अधीन विधि मान्य विनिर्देशों के अनुरूप है विनिर्माता के पास या तो अपनी परीक्षण

मुविधाएँ होंगी या उसकी पहुंच वहां तक होगी जहां ऐसी परीक्षण सुविधाएँ विद्यमान हों।

(ग) किए गए परीक्षण और निरीक्षण के लिए नमूना लेना अभिनिखित अन्वेषणों पर आधारित होगा।

(ग) नमूनों और किए गए परीक्षण के संबंध में पर्याप्त अभिलेख नियमित तथा व्यवस्थित रूप से रखे जाएंगे।

(घ) उत्पाद की जांच करने के लिए नियंत्रण के न्यूनतम स्तर वे होंगे जो अनुसूची में विनिर्दिष्ट हैं।

(iv) परिरक्षण नियंत्रण—

भंडारकरण और अभिवहन दोनों के दौरान उत्पाद भली भांति से परिरक्षित किया जाएगा।

(v) पैकिंग नियंत्रण—

पैकिंग विनिर्देशों उत्पाद की पैकिंग के लिए अनुसूची में विनिर्दिष्ट किए गए के अनुसार नियंत्रणों को पूरा करने की दृष्टि से अधिकथित किए जाएंगे।

अनुसूची

1. उत्पादों के लिए नियंत्रण के स्तर—

[उपांत्य-II का उप-पैग (iii) (घ) देखिए]

क्रम सं०	विशेषताएँ	अपेक्षाएँ परीक्षण आवश्यि टिप्पणी
		के लिए
	नमूनों	
	की सं०	

1. स्पर्श	मानक विनिर्देशों के अनुसार	10 प्रति वैच
2. स्टेपल की लम्बाई	यथोक्त	10 यथोक्त
3. नैप्स	यथोक्त	10 यथोक्त
4. अवशोषकता	यथोक्त	10 यथोक्त
5. अस्तिता	यथोक्त	10 यथोक्त
6. उष्मा का प्रभाव	यथोक्त	10 यथोक्त
7. आक्सीकरण तत्व	यथोक्त	10 यथोक्त
8. घुलनशील जल	यथोक्त	10 यथोक्त
9. गाढ़	यथोक्त	10 यथोक्त
10. प्रतिवृत्ति	यथोक्त	10 यथोक्त
11. अनुवर्तना	यथोक्त	10 यथोक्त

2. पैकिंग के लिए नियंत्रण स्तर—

[उपांत्य II का उप-पैग (v) देखिए]

(1) अवशोषक मूती ऊन मुहरबंद पैकेजों में बंद करनी चाहिए। लपेटने के लिए मोमी कागज का प्रयोग नहीं करना चाहिए क्योंकि यह भास्मी की अवशोषकता को कम करता है। पैकेज देखने में अच्छे होंगे।

(2) अवशोषक सूती ऊन जब बनाई जाए तब विसंक्रमित होनी चाहिए और इस पर “विसंक्रमित, जब बनाई गई, प्रयोग करने से पूर्व विसंक्रमित की जाए” का लेबल लगा होना चाहिए।

(3) ऊपर (2) के अतिरिक्त अवशोषक मूती ऊन के प्रत्येक पैकेज पर निम्नलिखित सूचना, दी जाएगी, अर्थात्:—

(क) सामग्री का नाम

(ख) विनिर्माता का नाम और व्यापार चिन्ह यदि कोई हो,

(ग) सामग्री की मात्रा

(घ) बैच संख्या

(इ) किसी ग्रन्थ अधिनियम या कानूनी नियम के अधीन कोई ग्रन्थ जानकारी

उपांत्य-III

(उपांत्य 1 का नियम 3 देखिए)

परेषणानुसार विरीक्षण

1. अवशोषक मूती ऊन के परेषण का निरीक्षण और परीक्षण यह सुनिश्चित करने के लिए किया जाएगा कि वह अधिनियम की धारा 6 के अधीन विधिमान्य मानक विनिर्देशों के अनुरूप है।

2. नमूना मानदण्डों के संबंध में संविदात्मक विनिर्देशों में कोई विशिष्ट अनुबंध न होने की दशा में वही अनुबंध लागू होंगे जो नीचे दी गई सारणी में अधिकथित हैं:—

सारणी

लाठ में रोलों/बंडलों की संख्या	एक साथ चुने जाने वाले पैकेजों की संख्या
100 तक	4
101 से 150 तक	5
151 से 300 तक	7
301 से 500	10

टिप्पणी लॉट—लॉट का गठन करने के लिए किसी भी परेषण में सभी रोलों या बंडलों या पैकेजों को एक साथ छक्का किया जाएगा।

उपरोक्त सारणी के अनुसार चुने गए रोल या बंडल या पैकेज जांच नमूना ठहराएँ जाएंगे।

3. परीक्षण की पद्धति गाढ़ीय या अंतर्राष्ट्रीय फर्म-कोपासिया या फर्माक्यूटिकल कोड के अनुरूप होगी।

[संख्या 6(1)/80-नि० नि० तथा नि० उ०]

सी० बी० कुकरेती, संयुक्त निदेशक

ORDER

New Delhi, the 11th April, 1981

S.O. 1176.—Whereas, in exercise of the powers conferred by section 6 of the Export (Quality Control and Inspection) Act, 1963 (22 of 1963), the Central Government is of opinion that it is necessary and expedient so to do for the development of the export trade of India that absorbent cotton wool should be subject to quality control and inspection prior to export;

And whereas, the Central Government has formulated the proposal specified below for the said purpose and has forwarded the same to the Export Inspection Council, as required by sub-rule (2) of rule 11 of the Export (Quality Control and Inspection) Rules, 1964;

Now, therefore, in pursuance of the said sub-rule, the Central Government hereby publishes the said proposals for the information of the public likely to be affected thereby.

2. Notice is hereby given that any person desiring to forward any objections or suggestions with respect to the said proposals may forward the same within forty five days of the date of publication of the order in the Official Gazette to the Export Inspection Council, "World Trade Centre", 14/1B, Ezra Street, (7th floor), Calcutta-1.

PROPOSALS

(1) To notify that absorbent cotton wool shall be subject to quality control and inspection prior to export;

(2) To specify the type of quality control and inspection in accordance with the draft Export of Absorbent Cotton Wool (Quality Control and Inspection) Rules, 1981, set out in Annexure-I to this order as the type of quality control and inspection which would be applied to such absorbent cotton wool prior to export.

(3) To recognise :—

(a) National and International Pharmacopoeia or pharmaceutical Code and Standards of other bodies recognised by Export Inspection Council;

(b) Contractual specifications provided that such specifications do not fall below (a) above;
— As the standard specifications for absorbent cotton wool.

(4) To prohibit the export, in the course of international trade of such absorbent cotton wool unless the same is accompanied by a certificate issued by an agency established by the Central Government under section 7 of the Export (Quality Control and Inspection) Act, 1963 (22 of 1963), to the effect that the absorbent cotton wool conforms to the aforesaid standard specifications.

3. Nothing in this order shall apply to the export by land, sea or air of samples of absorbent cotton wool (Not exceeding 2 Kg) to the prospective buyers.

4. In this order "absorbent cotton wool" shall mean a fleecy mass of soft white filaments which consists almost entirely of cellulose, having absorbency properties and prepared from cotton which consists of the epidermal trichomes of the seeds of *Gossypium Herbaceum*. And other cultivated species of *Gossypium* (Fam. Malvaceae), from which the seeds are removed mechanically and the trichomes, freed from fatty matter by treatment with alkali, are bleached, washed and mechanically loosened and separated. The absorbent cotton wool may be dyed with a non-toxic dye and may contain boric acid.

ANNEXURE-I

[See sub-paragraph (2) of paragraph 2]

Draft rules proposed to be made under section 7 of the Export (Quality Control and Inspection) Act, 1963 (22 of 1963).

1. Short title and commencement.—(1) These rules may be called the Export of Absorbent Cotton Wool (Quality Control and Inspection) Rules, 1981.

2. Definitions.—In these rules, unless the context otherwise requires,—

(a) "Act" means the Export (Quality Control and Inspection) Act, 1963 (22 of 1963);

(b) "agency" means any one of the agencies established under section 7 of the Act at Cochin, Madras, Calcutta, Bombay and Delhi.

(c) "Council" means Export Inspection Council established under section 3 of the Act;

(d) "absorbent cotton wool" means a fleecy mass of soft white filaments which consists almost entirely of cellulose having absorbency properties and prepared from cotton which consists of the epidermal trichomes of the seeds of *Gossypium Herbaceum* I and other cultivated species of *Gossypium* (Fam. Malvaceae), from which the seeds are removed mechanically and the trichomes, freed from fatty matter by treatment with alkali, are bleached, washed and mechanically loosened and separated. The absorbent cotton wool may be dyed with a non-toxic dye and may contain boric acid.

3. Basis of Inspection.—Inspection of absorbent cotton wool for export shall be carried out with a view to seeing that the absorbent cotton conform to the specifications recognised by the Central Government under section 6 of the Export (Quality Control and Inspection) Act, 1963 (22 of 1963), namely :—

(i) National and International Pharmacopoeia or Pharmaceutical Code and standards of other bodies recognised by Export Inspection Council, and (ii) Contractual specifications provided that such specifications do not fall below (a) above-either.

(a) by ensuring that the products have been manufactured by exercising necessary inprocess quality control as specified in Annexure-II,

or

(b) on the basis of inspection and testing carried out in the manner specified in Annexure-III.

4. Procedure of Inspection.—(1) An exporter intending to export a consignment of absorbent cotton wool shall give an intimation in writing to the agency furnishing therein details of the contractual specifications along with a copy of the export contract or order to enable the agency to carry out inspection in accordance with rule 3.

(2) For export of absorbent cotton wool manufactured by exercising adequate inprocess quality control as laid down in Annexure-II and in case the manufacturing unit has been adjudged as having adequate inprocess quality control drills by the Council or Panel of Experts constituted by the Council for this purpose, the exporter shall also submit along with the intimation mentioned in sub-rule (1) a declaration that the consignment of absorbent cotton wool intended for export has been manufactured by exercising adequate quality control as laid down in Annexure-II and that the consignment conforms to the standard specifications recognised for the purpose.

(3) A copy of each such intimation or declaration or both shall also be simultaneously endorsed to any of the following offices of the Council, which is nearest to the place of inspection, namely :—

Head Office : Export Inspection Council 'World Trade Centre' 14/1B, Ezra Street (7th floor), Calcutta.

Regional Offices : Export Inspection Council Aman Chambers, 113, M. Karve Road, Bombay-400 004.

Export Inspection Council Manohar Building, Mahatma Gandhi Road, Ernakulam, Cochin-682011.

Export Inspection Council, Municipal Market Building,

3, Saraswati Marg, Karol Bagh, New Delhi-110005

(4) The exporter shall also furnish to the agency the identifications marks applied on the consignments

(5) Every intimation under sub-rule (1) and declaration, if any, under sub-rule (2) shall be given not less than seven days prior to the despatch of the consignment from the manufacturer's premises.

(6) On receipt of the intimation under sub-rule (1) and the declaration, if any, under sub-rule (2), the agency—

(a) on satisfying itself that during the process of manufacture the manufacturer had exercised adequate quality as laid down in Annexure II and followed the instructions, if any, issued by the Council in this regard to manufacture the product to conform to the standard specifications recognised for the purpose, shall within seven days issue a certificate declaring the consignment of absorbent cotton wool as export-worthy. However, the consignment shall be physically verified and such verification and inspection as necessary shall be carried out by the agency to ensure that the above conditions are complied with. The agency shall, however, conduct spot checks of some of the consignments meant for export;

(b) In case, where the exporter has not declared under sub-rule (2) that adequate quality control as laid down in Annexure II had been exercised, on satisfying itself that the consignment of absorbent cotton wool conforms to the standard specifications, recognised for the purpose, on the basis of inspection or testing carried out as laid down in Annexure-III, or on the basis of both, shall, within seven days of carrying out such inspection, issue a certificate declaring the consignment of absorbent cotton wool as export-worthy :

Provided that where the agency is not so satisfied, it shall within the said period of seven days refuse to issue a certificate to the exporter declaring the consignment of absorbent cotton wool as export-worthy and communicate such refusal to the exporter alongwith the reasons therefor.

(7) In cases where the manufacturer is not the exporter or the consignment is inspected under sub-rule (6) (b) or in both the cases, the agency shall immediately after completion of the inspection, seal the packages in the consignment, in a manner as to ensure that the sealed packages cannot be tampered with. In case of rejection of the consignment, if the exporter so desires, the consignment may not be sealed by the agency, in such cases, the exporter shall not be entitled to prefer any appeal against the rejection.

5. Place of Inspection.—Every inspection under these rules shall be carried out either (a) at the premises of the manufacturer of such product, or (b) at the premises at which the goods are offered by the exporter provided adequate facilities for the purpose exist therein.

6. Inspection Fee.—Subject to a minimum of Rs. 50 for each consignment, a fee at the rate of fifty paise for every one hundred rupees of the f.o.b. value for each such consignment shall be paid as inspection fee.

7. Appeal.—(1) Any person aggrieved by the refusal of the agency to issue a certificate under sub-rule (6) of rule 4, may within ten days of the receipt of communication of such refusal by him, prefer an appeal to such panel of experts consisting of not less than three but not more than seven persons as may be constituted by the Central Government for the purpose.

(2) The panel of experts shall consist of at least two-thirds of non-officials of the total memberships of the panel of experts.

(3) The quorum for the panel of experts shall be three.

(4) The appeal shall be disposed of by the panel of experts within fifteen days of its receipt.

ANNEXURE II

[See under Rule 3(a)]

Quality Control—

The quality control of absorbent cotton wool shall be ensured by the manufacturer by effecting the following controls at different stages of manufacture, preservation and packing of the products as laid down below, together with the levels of control as set out in the schedule appended hereto.

(I) Purchase and raw material control—

(a) Purchase specifications shall be laid down by the manufacturer incorporating the properties of raw materials to be used.

(b) Either the accepted consignments shall be accompanied by a supplier's test and inspection certificates corroborating the requirements of the purchase specifications, in which case occasional checks shall be conducted at least once in 10 consignments by the purchaser for a particular supplier to verify the correctness of the aforesaid test or inspection certificate or the purchased material shall be regularly tested and inspected either in the laboratory within the factory or in an outside laboratory or test house.

(c) The sampling for inspection or test to be carried out shall be based on the recorded investigations.

(d) After the inspection or test is carried out systematic methods shall be adopted in segregating the accepted and rejected materials and for disposal of the rejected materials.

(e) Adequate records, in respect of the aforesaid controls, shall be regularly and systematically maintained by the manufacturer.

(ii) Process Control—

(a) Detailed process specifications shall be laid down by the manufacturer for different stages of manufacture.

(b) Equipment and instrumentation facilities shall be adequate to control the process as laid down in the process specifications.

(c) Adequate records shall be maintained by the manufacturer to ensure the possibility of verifying the controls exercised during the process of manufacture.

(iii) Product Control—

(a) The manufacturer shall have either his own testing facilities or shall have access to such testing facilities existing elsewhere to check up whether the product conforms to specifications recognised under section 6 of the Act.

(b) Sampling for test and inspection to be carried out shall be based on the recorded investigation.

(c) Adequate records in respect of sampling and test carried out shall be regularly and systematically maintained.

(d) The minimum levels of control to check the products shall be as specified in the schedule.

(e) Preservation Control—

The product shall be well preserved both during the storage and transit.

(f) Packing Control—

Packing specifications shall be laid down with a view to satisfying the controls as mentioned in the schedule for packing of the products.

SCHEDULE

1. LEVELS OF CONTROL FOR PRODUCTS

[See Sub-Paragraph (iii) (d) of Annexure II]

S. No.	Characteristics	Requirements	No. of samples to be taken.	Frequency	Remarks
1.	Appearance	As per standard specifications.	10	per batch.	—
2.	Length of staple	-do-	10	-do-	—
3.	Neps	-do-	10	-do-	—
4.	Absorbency	-do-	10	-do-	—
5.	Acidity	-do-	10	-do-	—
6.	Effect of heat	-do-	10	-do-	—
7.	Oxidising substances	-do-	10	-do-	—
8.	Waters soluble	-do-	10	-do-	—
9.	Ash	-do-	10	-do-	—
10.	Fluorescence	-do-	10	-do-	—
11.	Sterility	-do-	10	-do-	—

2. LEVELS OF CONTROL FOR PACKING

[See Sub-paragraph (v) of Annexure II].

(1) Absorbent cotton wool should be enclosed in sealed packages. Waxed paper should not be used for wrapping, as it reduces the absorbency of the material. The packages shall have a good presentability.

(2) Absorbent cotton wool should be sterilised when made and labelled "STERILISED WHEN MADE : TO BE STERILISED BEFORE USE".

(3) In addition to (2) above, the following information shall be given on each package of absorbent cotton wool namely :—

- Name of the material,
- Manufacturer's name and trade mark, if any,
- Quantity of the material,
- Batch number,
- Any other information required under any other statutory Act or Rules.

ANNEXURE—III

(See rule 3 of Annexure I)

CONSIGNMENT-WISE INSPECTION

1. The consignment of absorbent cotton wool shall be subjected to inspection and testing to ensure conformity of the same to the standard specifications recognised under section 6 of the Act.

2. In this absence of specific stipulation in the contractual specifications as regards sampling criteria, the same laid down in the table given below shall become applicable :—

TABLE

No. of Rolls/Bundles in the lot	No. of packages to be selected at random
(1)	(2)
Up to 100	4
101 to 150	5
151 to 300	7
301 to 500	10

N.B. Lot—In any consignment all the rolls or bundles or packages shall be grouped together to constitute a lot.

The rolls or bundles or packages selected as per the Table above shall constitute the test sample.

3. The methods of test shall be as per national or International pharmacopoeia or Pharmaceutical Code.

[No. 6(1)/80-E-18EP]

C. B. KUKRETI, Joint Director

(Department of Textiles)

CORRIGENDUM

New Delhi, the 27th March, 1981

S.O. 1177.—In the Department of Textiles S.O. No. 2619 dated 19-9-1980 regarding amendment to the All India Textiles (Production and Distribution) Control Order, 1962 appearing on page 3493 of the issue published on 4th Oct., 1980 :

For—the word 'Making' appearing in Para 2(1) of the said order.

Read—"Manufacturing".

[File No. 11011/8/80, A&MMI]
N. K. SABHARWAL, Director.

संयुक्त मुद्र्य नियन्त्रक आयात-मिर्यात का कार्यालय

आवेदन

बम्बई, 11 फरवरी, 1981

विषय :—सर्वश्री यूकार्मा लेबोरेट्रीज, बम्बई को जारी किए गए आयात लाइसेंस सं० पी/एल/2918234/सी/एक्स/73/बी/79 दिनांक 11-2-79 को रद्द करने का आदेश।

का० आ० 1178.—सर्वश्री यूकार्मा लेबोरेट्रीज, तेजपाल स्कीम रोड सं०-५ बिले पालै हैस्ट, बम्बई-५७ को लाइसेंस अधिकारी प्रब्रैल-मार्च-८० के दौरान २५० कि० मा० क्लोरोमफेनिकोल पाउडर के आयात के लिए ९५,६२५ रुपये का एक अग्रिम लाइसेंस सं० पी/एल/2918234/सी/एक्स/73/बी/79 दिनांक 11-12-1979 प्रदान किया गया था। उन्होंने उपर्युक्त अग्रिम लाइसेंस की अनुलिपि प्रति के लिए इस आधार पर आवेदन किया है कि उपर्युक्त लाइसेंस की दोनों मूल प्रतियाँ (अर्थात् सीमा शुल्क प्रयोजन और मुद्रा विनियम नियंत्रण प्रतियाँ) खो गई हैं।

2. इस तर्क के समर्थन में आवेदक ने पंजीयक महानगरीय जिलाधीश न्यायालय, अंधेरी, बम्बई के सम्मुख विधिवत मांखांकित एक स्टाम्प पेपर पर एक अपथ-पत्र दाखिल किया है।

3. मैं संतुष्ट हूँ कि मूल अग्रिम लाइसेंस सं० पी/एल/2918234/सी/एक्स/73/बी/77 दिनांक 11-12-1979 खो गया है और निदेश वेता हूँ कि आवेदक को एक अनुलिपि लाइसेंस जारी किया जाए। मूल प्रतियाँ (अर्थात् सीमा शुल्क प्रयोजन और मुद्रा विनियम नियंत्रण प्रतियाँ) रद्द की गई समझी जाएं।

[सं० यूटीईएस/एलप्राईसी/77/प्रब्रैल-मार्च-८०/३ पी पल]

विषय :—अग्रिम लाइसेंस सं० पी/एल/2918234/सी/एक्स/73/बी/79 दिनांक 11-12-79 की अनुलिपि प्रति जारी करना।

यह अनुरोध है कि उपर्युक्त आयात लाइसेंस की मूल सीमा शुल्क प्रति, जिसका अर्थात् उपर्युक्त आदेश के पैरा १ में दिया गया है प्रस्तुत करने पर वैध न समझी जाए और यदि लाइसेंस की मूल सीमा शुल्क प्रति अपने पत्तन पर प्रस्तुत की जाए अथवा उपयोग में लाई जाए तो उसकी मुख्यता तत्काल ही इस कार्यालय को दी जाए।

एम० एच० शार० हशमी,
सहायक मुद्र्य नियन्त्रक, आयात नियंत्रण
कुल संयुक्त मुद्र्य नियन्त्रक, आयात नियंत्रण

**OFFICE OF THE JOINT CHIEF CONTROLLER OF
IMPORTS AND EXPORTS
ORDER**

Bombay, the 11th February, 1981

Sub.—Order for Cancellation of Import-liscence No. P/L/2918234/C/XX/73/B/79 issued in favour of M/s. Eupharma Laboratories, Bombay.

S.O. 1178.—M/s. Eupharma Laboratories, Tejpal Scheme Road No. 5, Vile Parle East, Bombay-57 were granted an Advance Licence No. P/L/2918234/C/XX/73/B/79 dt. 11-12-1979 for Rs. 95,625 for the import of 250 Kgs. of Chloramphenical Powder during the Licensing period April—March, 1980. They have applied for duplicate copy of the above mentioned Advance Licence on the ground that both the original copies (i.e. Customs Purposes and Exchange Control Purposes) of the aforesaid licence have been lost.

2. In support of this contention the applicant has filed an Affidavit on Stamped Paper duly attested before the Registrar, Metropolitan Magistrate Court, Andheri, Bombay.

3. I am satisfied that the original Advance Licence No P/L/2918234/C/XX/73/B/79 dt. 11-12-1979 has been lost and direct that a duplicate licence should be issued to the applicant. The original Copies (i.e. Customs Purpose/Exchange Controls Purposes) may be deemed to have been cancelled.

[No. UDES/LIC/77/AM-80/E.P.Pol.]

Subject :—Issue of Duplicate Copy of Advance Licence No P/L/2918234/C/XX/73/B/79, dt. 11-12-1979

It is requested that the original customs copy of Import licence mentioned above, particulars given of which have been given in para 1 of the order would not be valid if produced produced and that intimation would be sent to this office immediately if the original customs copy of licence is presented or utilised at his port.

S. H. R. HASHMI.

Asstt. Chief Controller of Imports and Exports,
for Jt. Chief Controller of Imports and Exports.

आष्टे

बम्बई, 23 फ़रवरी, 1981

का० आ० 1179.—सर्वश्री बजाज आटो लिंग, अकुरदी, पुने-411035 को आयात नीति 1979-80 के परिणाम 3 और 8 में प्रदिशित मर्दों के आयात के लिए क्रमशः 67,583 रुपये और 1,40,195 रुपये के लिए आयात लाइसेंस संख्या पी/एन/2925805 दिनांक 3-4-80 और पी/एल/2926231, दिनांक 31-3-80 प्रदान किए गए थे।

इसके बाद एक कारण बताओ नोटिस मं० 32(1) सत्रकर्ता-80 दिनांक 31-1-81 यह पूछते हाँ जारी किया गया कि वे 15 दिनों के अन्दर कारण बनाये जिन अद्यतन यथा संशोधित आयात (नियंत्रण) आदेश, 1955, दिनांक 7-12-1955 की धारा 9(मी), 9 (सी मी) और 9(डी) के अनुसार उनके नाम में जारी किए गए लाइसेंसों को इस आधार पर रद्द करो न कर दिया जाए कि कथित लाइसेंसों से जात-माजी की गई है। लाइसेंसधारी ने लाइसेंस नी शर्तों और माल के आयात से सम्बद्ध नियमों एवं विनियमों वा उल्लंघन किया है और लाइसेंस उम उद्देश्य को पूरा नहीं करेगे जिसके लिए वे जारी किए गए थे। लाइसेंसधारी में यह भी अनुगोंध किया गया था कि भूल लाइसेंस की दोनों प्रतिया यदि कोई उत्तर हो तो उसके साथ प्रस्तुत की जाए।

उपर्युक्त कारण बताओ नोटिस के उत्तर में सर्वश्री बजाज आटो लिंग, पुने ने दिनांक 8.2.81 के अपने उत्तर में यह कहा है कि आयात नीति के पैरा 132 और 133 के अन्तर्गत उन्होंने दोनों लाइसेंसों को बेच दिया और उन्होंने उस बिना पर आवश्यक धनराशी भी प्राप्त कर ली है। इन दो आ० ८० पी० ८० लाइसेंसों के आरोपित पृष्ठाकत के बारे में उन्होंने पता लगा और इसलिए उन्होंने इस कार्यालय को शिकायत की थी अतः वे “रील में कंडियो मेगनटिक टेस्म, कॉमट्स, जम्बो रोल, कार्टरिजिस और पेन केम्स” के आयात की कथित जाल-माजी के लिए जिम्मेदार नहीं है। क्योंकि लाइसेंस पहले से ही बेच जा चुके हैं इसलिए उन्होंने इस कार्यालय में मूल लाइसेंस प्रस्तुत करने के लिए अपनी असमर्थता पर घोषित किया।

अपने उत्तर के समर्थन में श्री जै० एच० पाह प्रबन्धनिकारक श्री और श्री डी० प० भेहता, कम्पनी मचिव के माथ हाई कोर्ट के प्रॅडिक्टेट श्री जै० प० न०० मिश्रा 16.2.81 को मेरे से मिले। साक्षात्कार के समय उन्होंने यह तर्क प्रस्तुत किया कि आयात (नियंत्रण) आदेश, 1955 की धारा 9 की उपधारा (मी), (सी मी) और (डी) उन पर लागू नहीं होता क्योंकि लाइसेंस धारी ने कोई भी उल्लंघन नहीं किया और कथित जालमाजी उनके द्वारा लाइसेंस बेच देने के बाद और केता को वाप्तव में सौंप देने के बाद हुई है। उन के इस शावे में बल है कि आयात (नियंत्रण) आदेश की कंडिका 9 की उपकंडिका (मी) और (डी) लागू नहीं होती क्योंकि आरोपित पञ्चांकत के सम्बन्ध में सर्वश्री बजाज आटो लिंग ने ही शिकायत की थी। लेकिन मैं उनके इस दावे से महमत नहीं हूँ कि धारा 9 की उपधारा (मी मी) लागू नहीं होती है।

ग्रन्त: अधीक्षता कर्ता इस निष्कर्ष पर पहुँचे हैं कि उपर्युक्त लाइसेंस म० पी/एल/2925805 दिनांक 3-4-80 और पी/एल/2926231, दिनांक 31-3-80 में हस्तांतरी ने “रील में कंडियो मेगनटिक टेस्म, जम्बो रोल, कार्टरिजिस और बेनकेम्स” के आयात के लिए जाल माजी की है। अतः मैं मन्तुष्ट हूँ कि जिस के लिए लाइसेंस जारी किए गए थे उसे पूरा नहीं करेंगे। इसलिए यह आवश्यक है कि इन लाइसेंसों को नत्काल अप्रभावी किया जाए।

पिछली कड़िकारों में जो कुछ कहा गया है उसे ध्यान में रखते हुए, अधीक्षता कर्ता इस बात से मंतुष्ट है कि विषयाधीन लाइसेंसों को आक्षित रद्द कर दिया जाना चाहिए या अप्रभावी कर दिया जाना चाहिए। अतः अधीक्षता कर्ता अद्यतन यथा संशोधित आयात (नियंत्रण) आदेश, 1955 दिनांक 7-2-1955 की धारा 9 उपधारा (मी मी) में प्रदान किए गए अधिकारों का प्रयोग करते हुए प्रत्येक लाइसेंसों को रद्द करता है।

[मं० 32(1)/विज/80]

जांग्रामारु नाथर, उप-मुख्य नियंत्रक, आयात नियंत्रित करने मंदिरक मुख्य नियंत्रक, आयात नियंत्रि

ORDER

Bombay, the 23rd February, 1981

S.O. 1179.—Licences Nos. P/L/2925805 dated 3-4-80 for Rs. 67,583 and No. P/L/2926231 dated 31-3-80 for Rs. 1,40,195 were issued to M/s. Bajaj Auto Ltd., Akurdi, Pune-411035 for import of items appearing in Appendices 3 and 8 of the Import Policy 1979-80.

Thereafter, a Show Cause Notice No. 32(1)/Vig/80 dated 31-3-81 was issued asking them to show cause within 15 days as to why the aforesaid licences issued in their favour should not be cancelled in terms of Clause 9(c), 9(cc) & 9(d) of the Imports (Control) Order, 1955 dated 7-12-1955 as amended till date on the ground that the said licence have been forged. The licensee has committed a breach of the conditions of the licence and the rules and regulations relating to import of goods and the licence will not serve the purpose for which it was issued. The licensee was also requested to produce the original licence in duplicate along with the reply, if any.

In reply to the aforesaid Show Cause Notice, M/s. Bajaj Auto Ltd., Poona have replied by their reply dated 8-2-1981 that the above two licences were sold by them under Paras 132 & 133 of the import policy and that they have also received necessary consideration against such sale. They came to know about this alleged endorsement on these two REP licences and had, therefore, complained to this office. Therefore, they are not responsible for the alleged forgery allowing import of "Audio Magnetic tapes in reel's, cassettes, Jumbo rolls cartridges and pancakes." As the licences have already been sold, they regretted their inability to produce the original licences to this office.

In support of their reply, Shri J.H. Shah, Executive Director and Shri D. S. Mehta, Secretary of the Company along with Shri J. N. Misra, Advocate, High Court met me on 16-2-1981. At the time of interview, it was contended that Sub-clauses (c), (cc) & (d) of Clause 9 of the Import (Control) Order 1955 were not applicable as the licensee had not committed any breach, and that the alleged forgery had taken place after the sale of these licences by them and their physical delivery to the buyer. Their contention that Sub-Clauses (c) & (d) of Clause 9 of the Import Control Order 1955 may not be applicable has great force as M/s. Bajaj Auto Ltd. were the complainant regarding the alleged endorsements. However, I do not agree with their contention that sub-clause (cc) of Clause 9 is not applicable.

The undersigned has therefore come to the conclusion that the above mentioned Licences Nos. P/L 2925805 dated 3-4-80 and P/L/2926231 dated 31-3-80 have been forged by the transferee(s) to allow import of "Audio-magnetic tapes in reels cas eties Jumbo rolls, cartridges and pancakes." I am therefore satisfied that the licences will not serve the purpose for which they were issued. It is, therefore, necessary to ensure that these licences are rendered ineffective immediately.

Having regard to what has been stated in the preceding paras, the undersigned is satisfied that the licences in question should be cancelled ab initio or rendered ineffective. Therefore, the undersigned in exercise of the powers vested in him under Cl. 9 sub-clause (cc) of the Imports (Control) Order, 1955 dated 7-12-1955 as amended till date hereby cancelled the licences mentioned above issued in favour of M/s. Bajaj Auto Ltd. Poona.

[No. 32(1)/Vig/80]

G. R. NAIR, Dy. Chief Controller of Imports & Exports
for Lt. Chief Controller of Imports & Exports

(केन्द्रीय लाइसेंस भेज)

नई दिल्ली, 11 फरवरी, 1981

का० आ० 1180:—डाकेटर जनरल ऑफ इण्डिया रेडियो, नई दिल्ली को एक आयात लाइसेंस मं० जी/पी/ 2221142/सी XX 76 डी/80 दिनांक 15-9-80 वास्ते 24,000/- रु० पश्चिमी संगीत के ग्रामोफोन रिकार्ड के

आयात के लिए, अप्रैल-मार्च-81 की आयात नीति के पैग 74(1) के अन्वर्णन दिया गया था।

उन्होंने पैग 352 के अन्वर्णन घोषित किया है कि उपर्युक्त लाइसेंस बिना किसी कस्टम हाउस पर पंजीकृत किए बिना ही खो गया है,

अतः मैं सन्तुष्ट हूँ कि उपराक्त लाइसेंस की दोनों कापियां (कस्टम और एक्सचेज हेतु कापिया) खो गई हैं;

अतः आयात-व्यापार नियवण आदित्य 1955 दिनांक 7-12-55 (यथा संशोधन की धारा 9 (सी सी) में प्रदत्त अधिकारी का प्रयोग करते हुए, उपराक्त लाइसेंस मं० जी पी/ 2221/142 दिनांक 15-9-80 वास्ते 24,000/- रु०, का निरस्त किया जाना है।

आवेदक का अब आयात-निर्यात की कार्यविधि पुस्तिका 1980-81 के अनुमार ला० न० जी पी/2221/142 दिनांक 15-9-80 वास्ते 24,000/- रु०, कस्टम और एक्सचेज हेतु कापियों की अनुलिपि जारी करने पर विचार किया जा रहा है।

[फा० मं० जी आर/103/ए पृ-81/ए पू-II/सी पृ-ए/2596]

(Central Licensing Area)

New Delhi, the 11th February, 1981

S.O. 1180.—Director General, All India Radio, New Delhi was granted import licence No. G/P/2221142/C/XX/76/D/80 dt. 15-9-1980 for Rs. 24,000 for import of Western Music Gramophone Records for AM-81 period in terms of para 74(i) of AM-81 Policy.

They have declared as required under para 352 that the aforesaid import licence has been misplaced without having been registered with any customs House and utilised at all.

I am satisfied that the customs purpose copy and exchange control copy of the said licence have been misplaced.

In exercise of the powers conferred on me under Section 9(cc) in the Import Trade Control Order, 1955 dt. 7-12-55 as amended upto date the said import licence No. G/P/ 2221/142 dt. 15-9-80 for Rs. 24,000 is hereby cancelled.

The applicant is now being issued duplicate C.C.P. and F.C.P. of import licence No. G/P/2221142 dt. 15-9-80 for Rs. 24,000 in accordance with the provisions of para 351 of Hand Book, 1980-81.

[File No. GR/103/AM-81/AUII/CLA/2596]

नई दिल्ली, 13 फरवरी, 1981

का० आ० 1181:—मैसर्स सोलर माइसेज कान्सल्टेंट्स प्रा० लि० आर० 257 ग्रेटर कैलाश-I, नई दिल्ली, को एक आयात लाइसेंस मं० पी०/सी जी/2079645/सी/XX/78/डी/ 80 दिनांक 3-2-81 वास्ते 90,52,268/- रु० का, कम लागत की सालिड प्लूयन (जो वैजिटेवल फारिस्ट पनीमल बैस्ट में प्राप्त होती है) के उत्पाद के हेतु, प्लूट और मशीनरी के आयात के लिए, दिया गया था।

इस कर्म ने उक्त लाइसेंस की अनुलिपि (डूप्लीकेट कापी जारी करने की प्रार्थना की है व्योकि जो पत्र इस कार्यालय

में इस आधार पर जारी किया था कि वे, बेटर-आफ एंड डिट खोल मक्कल हैं अर्थात् उनके लाइसेंस की कम्स्टम एवं एक्सचेज हेतु कापियां जो कि गलत पते पर जारी की गई थीं वैक ने स्वीकार नहीं किया। इस फर्म ने आगे यह भी बताया कि उनके बैंक ने लेटर आफ क्रेडिट जा दिनांक 15-2-81 से पहिले खोल लिया जाना चाहिए था, खोजने से इनकार कर दिया है। यह लाइसेंस अब उनके काम का नहीं है। इस फर्म ने यह भी कहा कि यदि उपरोक्त लाइसेंस किसी प्रकार उन्हें प्राप्त हो गया तो वे उसे (दोनों कापियां) इस कार्यालय को वापस कर देंगे।

इस लाइसेंस का किसी गलत हाथों से जाने से रोकने के हेतु मैं मन्तुष्ट हूँ कि और आयात-व्यापार नियंत्रण आदेश 1955 दिनांक 7-12-55 (यथा संशोधित) की धारा 9 (ए) में प्रदत्त अधिकारों वा प्रयोग करते हुए उपरोक्त लाइसेंस सं० पी/सी जी/2079645 दिनांक 3-2-81, वार्ते 905268 रुपये की कम्स्टम एवं एक्सचेज कापियों को नियन्त्रण करने का आदेश देता हूँ।

आवेदक को अब आयात-नियांत्रण की कार्यविधि पुस्तिका 1980-81 के पैरा 351 के अन्तर्गत उपरोक्त लाइसेंस की मूल कम्स्टम एवं एक्सचेज टेनु कापी जारी की जा रही है।

[फा० सं० सी जी/टी जी टी डी/68/ए.एम-81 ए.य०-II/सी.एल-ए/2692]

कु० माया दास गुप्ता,
उप मुख्य नियंत्रक, आयात-नियांत्रण
कृते मंयुक्त मुख्य नियंत्रक, आयात नियांत्रण

New Delhi, the 13th February, 1981

S.O. 1181.—M/s. Solar Sciences Consultancy Pvt. Ltd., R-257 Greater Kailash-I, New Delhi was granted import licence No. P/CG/2079645/C/XX/78/D/80 dt. 3-2-81 for Rs. 9,05,268 for the import of Plant & Machinery for the end product Low Cost Solid Fuel from Vegetable Forest Animal Waste.

They have requested for duplicate licence since the letter issued by this office allowing them to open an L.C. on the basis of letter where it was stated that the said licence both Custom purpose copy & Exchange Control purpose copy was inadvertently issued to a wrong address has not been accepted by the bank. The firm have further stated that the Bank has refused to open L.C. which they are required to do by or before 15-2-81. The said licence will not serve the purpose. The firm have further stated that if the said licence both copies if by chance, reach their hands they would surrender both the copies of the licence

I am satisfied that for the purpose of taking preventive action against licence getting into the wrong hands, I in exercise of the powers conferred on me under Section 9(a) of Import Control Order 1955 dated 7-12-55 as amended upto date hereby cancel the said licence No. P/CG/2079645 dt. 3-2-81 for a value of Rs. 9,05,268 both copies.

The applicant is now being issued duplicate C.C.P. and E.C.P. of import licence No. P/CG/2079645 dated 3-2-81 for a value Rs. 9,05,268 in accordance with the provisions of para 351 of Hand Book, 1980-81.

[File No CG/DGTD/68/AM-81/AU.II/CLA/2692]

MISS MAYA DAS GUPTA, Dy. Chief Controller of
Imports & Exports
For Jt. Chief Controller of Imports & Exports.

नियन्त्र-आवेदक

नई दिल्ली, 10 मार्च, 1981

का० आ० 1182.—मैमर्स इलेक्ट्रोनिक्स ट्रेड एंड एडिट इन्डिया लिमिटेड कागजपोरेशन लिं० 15/48, मालवा मार्ग चाणक्यागुरी नई दिल्ली को एक आयात लाइसेंस सं० पी/डब्ल्यू/2846854/सी दिनांक 2-7-80 वार्ते 3591/-८०, कच्चे माल, कम्पोनेन्ट, कल्याणेश्वर स्टोर पांच पैकिंग सामान के आयात हेतु 1977-78 की आयात-नीति जिल्ड II भाग ब, के आधार पर नथा ए० य० की जारी पर आयात-नियांत्रण की कार्यविधि पुस्तिका 1977-78 के पैरा 121 (4) के अन्तर्गत जारी किया गया था। यह लाइसेंस 1980-81 की आयात नीति के पैरा 209 की जारी पर भी दिया गया था। इस फर्म ने यह सूचित किया है कि उपरोक्त लाइसेंस की दोनों कम्स्टम एवं एक्सचेज हेतु कापियां विना किसी कम्स्टम पर पंजीकृत किए तथा विना इस्तेमाल किए गए थे।

उपरोक्त फर्म ने इस कथन के समर्थन में अब एक शपथ-पत्र आयात-नियांत्रण सम्बन्धी कार्यविधि पुस्तिका, 1980-81 के पैरा 351-354 के अनुसार प्रस्तुत किया है। अन्त में मन्तुष्ट हूँ कि उपरोक्त आयात-लाइसेंस की मूल कम्स्टम/एक्सचेज दोनों कापी खो गई हैं,

अतः आयात-व्यापार नियंत्रण आदेश 1955 दिनांक 7-12-55 (यथा संशोधित) की धारा 9 (सी सी) में प्रदत्त अधिकारों का प्रयोग करते हुए मैं उपरोक्त लाइसेंस की मूल कम्स्टम/एक्सचेज दोनों कापी को नियन्त्रण करने का आदेश देता हूँ।

आवेदक की प्रार्थना पर अब आयात-नियांत्रण की कार्यविधि पुस्तिका 1980-81 के पैरा 351-354 के अनुसार उपरोक्त लाइसेंस की कम्स्टम/एक्सचेज दोनों कापी की अनुलिपि (डुप्लिकेट कापी) जारी करने पर विचार किया जाएगा।

[फा० सं० इंजी०-151/ए.जे-77/ई पी-१/सी.एल.ए/1259]

एस० एल० चौहान,
उप मुख्य नियंत्रक, आयात नियांत्रण
कृते मंयुक्त मुख्य नियंत्रक, आयात नियांत्रण

ORDER

New Delhi, the 10th March, 1981

S.O. 1182.—M/s. Electronics Trade & Technology Development Corp. Ltd., 15/48 Malcha Marg, Chankaya Puri, New Delhi was granted import Licence No. P/W/2846854/C dated 2-7-80 for Rs. 35391 for import of Raw materials components consumable stores and packing materials in Part B of Vol. II Red Book for 1977-78 subject to AU Conditions for utilization of the imported goods as per para 121(4) of ITC Hand book of Rules & Procedures 1977-78. This licence was also subject to para 209 to Import Policy for 1980-81. Both the Custom & Exchange purpose copies of the licence reported to have been lost/misplaced without having been registered with any Custom authority and utilised at all.

The applicant has furnished an affidavit in support of above statement as required under para 351-354 of Hand

Book of Import & Export Procedures 1980-81 I am satisfied that the Original Customs Purpose & Exchange Control copy of the same licence has been lost misplaced.

para 351-354 of ITC Hand Book of Rules & Procedures 80-81

3 In exercise of the Power conferred on me under Section 9(cc) of Import Trade Control Order 1955 dated 7-12-55 as amended I order the cancellation of the said licence (both copies)

4 The applicant's case will now be considered for issue of duplicate licence (both copies) in accordance with the

[File No Engg 151/AJ 77/EP I/CL A/1259]

S L CHOHAN, Dy Chief Controller of Imports & Export

For Lt Chief Controller of Imports & Exports

नागरिक पूर्ति मंत्रालय

नागरिक पूर्ति व सहकारिता विभाग

भारतीय मानक संस्था

नई दिल्ली 1981-03-19

का० आ० 1183—ममय-ममय पर मर्यादित भारतीय मानक सम्म्या (प्रमाणन विन्ह) विनियम, 1955 के विनियम 14 के उपविनियम (4) के अनुसार भारतीय मानक सम्म्या द्वारा अधिसूचित किया जाता है कि लाइसेन्स सख्ता सीएम/एल-5747 जिसके अपैरे नीचे अनुमती में दिए गए हैं, कम उन्नादन और मार्ग घट जाने के कारण 1980-12-22 में रद्द कर दिया गया है।

अनुसूची

क्रम सं०	लाइसेन्स सख्ता श्वैर तारीख	लाइसेन्सधारी का नाम और पता	रद्द किए गए लाइसेन्स के अधीन वस्तु/प्रक्रिया	तत्त्वधी भारतीय मानक
1	2	3	4	5
1	सी एम/एल-5747 76-12-31	सर्वश्री एन्सेक इंजीनियर्स इच्छा- पुर रोड, दामनगर, हावड़ा- 711101 (प० बगाल)	एक फेजी प्रेरण मोटर ०.७५ किवा० (१ हापा) वाली “ई” श्रेणी के रोधन लगी	IS 996-1964 एक फेजी छोटी एमी और युनिवर्सल विजली की मोटरों की विशिष्टि (पहला पुनरीक्षण)

[सी एम डी/55-5747]

MINISTRY OF CIVIL SUPPLIES

(Department of Civil Supplies and Co-operation)

INDIAN STANDARDS INSTITUTION

New Delhi, 1981-03-19

S. O. 1183.—In pursuance of sub-regulation (4) of regulation 14 of the Indian Standards Institution (Certification Marks) Regulations, 1955 as amended from time to time, the Indian Standards Institution hereby notifies that Licence No CM/L-5747 particulars of which are given in the Schedule below has been cancelled with effect from 1980 12 22 due to low production and less demand.

SCHEDULE

Sl. No.	Licence No. and Date	Name & Address of the Licencee	Article/Pieces Covered by the the Licence Cancelled	Relevant Indian Standard
(1)	(2)	(3)	(4)	(5)
1.	CM/L-5747 76-12-31	M/s Elmech Engineers Ichhapur Road, Dasnagar, Howrah-711101 (West Bengal)	Single-Phase induction motors IS 996-1964 Specification for 0.75 kW (1 HP) with class 'E' insulation	Singl.-phase small ac and universal electric motors (First Revision)

[No CMD 57/55-574]

नई दिल्ली, 1981-03-24

का० घा० 1184.—ममय समय पर संशोधित भारतीय मानक संस्था (प्रमाणन चिन्ह) विनियमन, 1955 के 8 के उपविनियम (1) के अनुसार भारतीय मानक संस्था द्वारा अधिसूचित किया जाता है कि जिन 263 लाइसेंसों के ब्यांगे नीने अनुसूची में दिए गए हैं, उनका अगस्त 1980 में नवीकरण किया गया है :—

अनुसूची

क्रमांक	सीएस	वैध	भारतीय मानक	
(1)	(2)	(3)	(4)	(5)
1.	113	80-08-01	81-07-31	IS : 10 (भाग 2) 1976
2.	114	80-08-01	81-07-31	IS : 10 (भाग 2) 1976
3.	120	80-05-01	81-04-30	IS : 10 (भाग 2) 1976
4.	134	80-08-01	81-07-31	IS : 1063—1963
5.	136	80-08-01	81-08-15	IS : 246—1972
6.	162	80-06-01	81-05-31	IS : 291—1961, IS : 319—1974, IS : 320—1962
7.	163	80-06-01	81-05-31	IS : 288—1960 और IS : 613—1964
8.	173	80-07-16	81-07-15	IS : 1011—1968
9.	185	80-06-01	81-05-31	IS : 1322—1970
10.	213	80-09-01	81-08-31	IS : 10 (भाग 2) 1976
11.	225	80-05-01	81-04-30	IS : 10 (भाग 2) —1976
12.	382	80-08-01	81-07-31	IS : 325—1970
13.	431	80-08-01	81-07-31	IS : 814 (भाग 1 प्रौद्योगिकी 2)—1974
14.	479	80-07-01	81-06-30	IS : 1838—1961
15.	503	80-08-01	81-07-31	IS : 10 (भाग 4)— 1976
16.	620	80-08-16	81-08-15	IS : 1322—1965
17.	656	80-08-01	81-07-31	IS : 1785 (भाग 1 प्रौद्योगिकी 2)—1966
18.	702	80-08-01	81-07-31	IS : 226—1975
19.	703	80-08-01	81-07-31	IS : 1977—1975
20.	710	80-08-01	81-07-31	IS : 226—1975
21.	711	80-08-01	81-07-31	IS : 1977—1975
22.	716	80-08-01	81-07-31	IS : 226—1975
23.	717	80-08-01	81-07-31	IS : 1977—1975
24.	724	80-08-01	81-07-31	IS : 226—1975
25.	758	80-08-01	81-07-31	IS : 1551—1976
26.	894	80-08-16	81-08-15	IS : 2566—1965
27.	1020	80-08-16	81-08-15	IS : 1166—1975
28.	1112	80-08-16	81-08-15	IS : 1480—1970
29.	1307	80-08-01	81-07-31	IS : 2645—1975
30.	1325	80-08-16	81-08-15	IS : 694—1977
31.	1491	80-08-16	81-08-15	IS : 264—1976

(1)	(2)	(3)	(4)	(5)
32.	1492	80-08-16	81-08-15	IS : 266—1977
33.	1518	79-09-16	80-09-15	IS : 565—1975
34.	1519	79-09-16	80-09-15	IS : 562—1972
35.	1530	80-08-16	81-08-15	IS : 10 (भाग 4)— 1976
36.	1569	80-08-16	81-08-15	IS : 2567—1973
37.	1573	80-09-01	81-08-31	IS : 10 (भाग 2)— 1976
38.	1632	80-08-16	81-08-15	IS : 226—1975
39.	1633	80-08-16	81-08-15	IS : 1977—1975
40.	1663	80-09-01	81-08-31	IS : 996—1964
41.	1683	80-09-01	81-08-31	IS : 916—1975
42.	1729	80-09-01	81-08-31	IS : 780—1969
43.	1876	80-03-16	81-03-15	IS : 10 (भाग 2)— 1976
44.	1942	80-08-16	81-08-15	IS : 695—1975
45.	2015	80-07-16	81-07-15	IS : 325—1970
46.	2027	80-08-01	81-07-31	IS : 398 (भाग 1 प्रौद्योगिकी 2)—1976
47.	2033	80-08-16	81-08-15	IS : 6256—1971
				IS : 6257—1971
				IS : 6353—1971
				IS : 6308—1971
				IS : 6309—1971
				IS : 6314—1971
				IS : 6322—1971
				IS : 6323—1971
				IS : 6324—1971
				IS : 6325—1971
				IS : 6326—1971
				IS : 6352—1971
				IS : 6354—1971
				IS : 6355—1971
				IS : 6388—1971
48.	2034	80-08-16	81-08-15	IS : 5444—1978
				IS : 5445—1969
				IS : 5446—1978
				IS : 5447—1969
				IS : 5881—1971
				IS : 5918—1970
				IS : 5919—1978
				IS : 5926—1970
				IS : 6091—1971
49.	2127	80-08-16	81-08-15	IS : 5101—1969
				IS : 5102—1969
				IS : 5103—1969
50.	2147	80-09-01	81-08-31	IS : 325—1978
51.	2186	80-08-01	81-07-31	IS : 10 (भाग 3)— 1974
52.	2190	80-08-16	81-08-15	IS : 5101—1969
				IS : 5102—1969
				IS : 5103—1969
53.	2528	80-08-01	81-07-31	IS : 3450—1976
54.	2569	80-08-16	81-08-15	IS : 6175—1971
				IS : 7821—1975

(1)	(2)	(3)	(4)	(5)	(1)	(2)	(3)	(4)	(5)
55.	2587	80-09-16	81-09-15	IS : 3224—1971	107.	4490	80-08-16	81-08-15	IS : 1005—1976
56.	2724	80-09-01	81-08-31	IS : 3076—1968	108.	4492	80-07-16	81-07-15	IS : 2148—1968
57.	2731	80-08-16	81-08-15	IS : 694—1977	109.	4493	80-08-16	81-08-15	IS : 1007—1971
58.	2736	80-08-16	81-08-15	IS : 2580—1965	110.	4498	80-08-01	81-07-31	IS : 2834—1964
59.	2787	80-08-16	81-08-15	IS : 1596—1977	111.	4512	80-08-01	81-07-31	IS : 1239 (भाग 1) —1973
60.	2831	80-08-16	81-08-15	IS : 2211—1977	112.	4521	80-08-01	81-07-31	IS : 5436—1975
61.	3015	80-08-16	81-08-15	IS : 694—1977	113.	4546	80-08-16	81-08-15	IS : 633—1975
62.	3093	80-08-01	81-07-31	IS : 1554 (भाग 1) —1976	114.	4547	80-08-16	81-08-15	IS : 1786—1966
63.	3094	80-08-01	81-07-31	IS : 1786—1966	115.	4552	80-08-16	81-08-15	IS : 2026 (भाग 1) —1977
64.	3101	80-07-01	81-06-30	IS : 1392—1971	116.	4576	80-08-16	81-08-15	IS : 1891 (भाग 1) —1968
65.	3131	80-08-16	81-08-15	IS : 780—1969	117.	4590	80-09-01	81-08-31	IS : 2548—1967
66.	3140	80-08-16	81-08-15	IS : 2566—1965	118.	4597	80-09-01	81-08-31	IS : 458—1971
67.	3146	80-09-01	81-08-31	SI : 916—1975	119.	4621	80-09-01	81-08-31	IS : 7407—1974
68.	3160	80-08-16	81-08-15	IS : 916—1975	120.	4684	80-10-01	81-09-30	IS : 1601—1960
69.	3295	80-08-16	81-08-15	IS : 427—1965	121.	4688	80-07-16	81-07-15	IS : 276—1969
70.	3329	80-08-01	81-07-31	IS : 398 (भाग 1 और 2)—1976	122.	4726	80-06-16	81-06-15	IS : 774—1971
71.	3469	80-08-01	81-07-31	IS : 4816—1971	123.	4741	80-01-01	80-12-31	IS : 5135 (भाग 1) —1974
72.	3480	80-07-16	81-07-15	IS : 3564—1975	124.	4774	80-09-01	81-08-31	IS : 5135 (भाग 2) —1977
73.	3489	80-07-16	81-07-15	IS : 410—1967					IS : 10 (भाग 2) —1976
74.	3495	80-08-01	81-07-31	IS : 1601—1960					
75.	3498	80-08-01	81-07-31	IS : 4984—1978					
76.	3499	80-08-01	81-07-31	IS : 2548—1967					
77.	3515	80-08-16	81-08-15	IS : 5410—1969					
78.	3517	80-08-16	81-08-15	IS : 1879—1975	125.	4775	80-06-16	81-06-15	IS : 3224—1971
79.	3518	80-08-16	81-08-15	IS : 4323—1967	126.	4824	80-08-16	81-08-15	IS : 1786—1966
80.	3655	80-08-16	81-08-15	IS : 561—1972	127.	4995	80-08-16	81-08-15	IS : 325—1970
81.	3656	80-08-16	81-08-15	IS : 564—1975	128.	5127	80-08-01	81-07-31	IS : 4432—1967
82.	3697	80-08-01	81-07-31	IS : 2879—1975	129.	5156	80-05-01	81-04-30	IS : 7231—1974
83.	3737	80-09-01	81-08-31	IS : 561—1972	130.	5198	80-07-16	81-07-15	IS : 4449—1967
84.	3870	80-07-01	81-06-30	IS : 5679—1970	131.	5200	80-07-16	81-07-15	IS : 4450—1967
85.	3886	80-08-01	81-07-31	IS : 325—1970	132.	5201	80-07-16	81-07-15	IS : 3811—1966
86.	3890	80-08-01	81-07-31	IS : 1476—1971	133.	5235	80-06-01	81-05-31	IS : 1970—1974
87.	3891	80-08-01	81-07-31	IS : 285—1974	134.	5360	80-07-16	81-07-15	IS : 702—1961
88.	3896	80-08-01	81-07-31	IS : 1601—1960	135.	5372	80-08-01	81-07-31	IS : 7371—1975
89.	3899	80-08-01	81-07-31	IS : 2257—1970	136.	5383	80-08-01	81-07-31	IS : 1786—1966
90.	3905	80-08-16	81-08-15	IS : 5281—1979	137.	5389	80-08-01	81-07-31	IS : 1786—1966
91.	3916	80-08-16	81-08-15	IS : 2682—1966	138.	5392	80-08-01	81-07-31	IS : 3829—1966 IS : 4510—1968
92.	3920	80-08-01	81-07-31	IS : 2888—1974					
93.	3921	80-08-16	81-09-30	IS : 633—1975	139.	5400	80-08-01	81-07-31	IS : 226—1975
94.	3929	80-09-01	81-09-30	IS : 1307—1973	140.	5401	80-08-01	81-07-31	IS : 1977—1975
95.	3930	80-08-16	81-08-15	IS : 2818—1971	141.	5415	80-08-01	81-07-31	IS : 651—1971
96.	4203	80-07-01	81-06-30	IS : 10 (भाग 2) —1976	142.	5425	80-08-01	81-07-31	IS : 280—1978
97.	4269	80-08-01	81-07-31	IS : 3976—1975	143.	5426	80-08-16	81-08-15	IS : 3811—1966
98.	4280	80-08-16	81-08-15	IS : 5346—1975	144.	5432	80-08-16	81-08-15	IS : 1159—1957
99.	4331	80-07-16	81-07-15	IS : 779—1968	145.	5435	80-08-16	81-08-15	IS : 564—1975
100.	4341	80-08-01	81-07-31	IS : 1596—1977	146.	5440	80-09-01	81-08-31	IS : 1307—1973
101.	4376	80-06-01	81-05-31	IS : 2569—1973	147.	5445	80-08-16	81-08-15	IS : 325—1970
102.	4377	80-08-16	81-08-15	IS : 633—1975	148.	5456	80-09-01	81-08-31	IS : 427—1965
103.	4422	80-07-16	81-07-15	IS : 774—1971	149.	5492	80-09-01	81-08-31	IS : 1601—1960
104.	4428	80-08-16	81-08-15	IS : 5346—1975	150.	5495	80-08-16	81-08-15	IS : 21—1975
105.	4471	80-07-16	81-07-15	IS : 4246—1972	151.	5545	80-08-01	81-07-31	IS : 6914—1978
106.	4474	80-08-16	81-08-15	IS : 1370—1965	152.	5591	80-07-01	81-06-30	IS : 564—1975
					153.	5670	80-08-01	81-07-31	IS : 6915—1978

(1)	(2)	(3)	(4)	(5)	(1)	(2)	(3)	(4)	(5)
154.	5866	80-08-16	81-08-15	IS : 10 (भाग 4) —1976	192.	7034	80-06-16	81-06-15	IS : 916—1975
155.	5875	80-08-01	81-07-31	IS : 1729—1964	193.	7043	80-06-16	81-06-15	IS : 2834—1964
156.	5999	80-08-16	81-08-15	IS : 4984—1972	194.	7055	80-08-01	81-07-31	IS : 561—1972
157.	6087	80-05-16	81-05-15	IS : 632—1972	195.	7080	80-08-01	81-07-31	IS : 2148—1968
158.	6139	80-08-16	81-08-15	IS : 325—1961	196.	7084	80-07-01	81-06-30	IS : 933—1976
159.	6150	80-06-16	81-06-15	IS : 4964 (भाग 2) —1975	197.	7085	80-07-01	81-06-30	IS : 2171—1976
160.	6187	80-07-01	81-06-30	IS : 5346 —1975	198.	7093	80-07-01	81-06-30	IS : 1398—1968
161.	6202	80-08-01	81-07-31	IS : 7127— 1973	199.	7096	80-07-16	81-07-15	IS : 226— 1975
162.	6227	80-07-16	81-07-15	IS : 458 -1979	200.	7105	80-08-01	81-07-31	IS : 2567—1973
163.	6231	80-08-16	81-08-15	IS : 1660 (भाग 1) — 1967 IS : 1660 (भाग 2) श्रीर 3)— 1972 IS : 1660 (भाग 4) —1977	201.	7109	80-07-16	81-07-15	IS : 4762— 1968
					202.	7111	80-08-01	81-07-31	IS : 7407—1974
					203.	7113	80-08-01	81-07-31	IS : 745—1975
					204.	7114	80-08-01	81-07-31	IS : 4964 (भाग 2)—1975
					205.	7117	80-08-01	81-07-31	IS : 1488—1969
					206.	7120	80-08-01	81-12-31	IS : 7092 (भाग 2)— 1976
164.	6232	80-08-16	81-08-15	IS . 694 -1977	207.	7121	80-08-01	81-07-31	IS : 4323—1967
165.	6235	80-07-16	81-07-15	IS : 564—1975	208.	7125	80-08-01	81-07-31	IS : 285—1974
166.	6237	80-08-01	81-07-31	IS : 3231—1965	209.	7127	80-08-01	81-07-31	IS : 3196—1974
167.	6268	80-08-01	81-07-31	IS : 7652 —1975	210.	7129	80-08-01	81-07-31	IS : 3749—1978
168.	6269	80-08-01	81-07-31	IS : 4654—1974	211.	7132	80-08-01	81-07-31	IS : 6595—1972
169.	6278	80-08-01	81-07-31	IS : 2567 —1978	212.	7135	80-08-01	81-07-31	IS : 4654—1974
170.	6281	80-08-01	81-07-31	IS : 2567—1978	213.	7136	80-08-01	81-07-31	IS : 4654—1974
171.	6294	80-08-01	81-07-31	IS : 6595—1972 IS : 7538 —1975	214.	7146	80-08-16	81-08-15	IS : 633—1975
172.	6299	80-08-01	81-07-31	IS : 2834—1964	215.	7151	80-08-16	81-08-15	IS : 2567—1973
173.	6300	80-08-01	81-07-31	IS : 1239 (भाग 1) —1973	216.	7170	80-09-01	81-08-31	IS : 10 (भाग 4)— 1976
					217.	7171	80-09-01	81-08-31	IS : 4355—1977
					218.	7278	79-11-01	80-10-31	IS : 261—1966
					219.	7282	80-09-01	81-08-31	IS : 280—1972
					220.	7787	80-06-16	81-06-15	IS : 7532—1974
					221.	7807	80-07-01	81-06-30	IS : 4654—1974
					222.	7808	80-07-01	80-06-30	IS : 4654—1974
					223.	7832	80-07-16	81-07-15	IS : 2567—1978
					224.	7834	80-07-16	81-07-15	IS : 2834—1964
					225.	7841	80-07-16	81-07-15	IS : 226—1975
					226.	7842	80-07-16	81-07-15	IS : 1977—1975
					227.	7843	80-07-16	81-07-15	IS : 781—1977
					228.	7845	80-07-16	81-07-15	IS : 1786—1966
					229.	7850	80-07-16	81-07-15	IS : 2567—1978
					230.	7852	80-07-16	81-07-15	IS : 6914—1973
					231.	7853	80-07-16	81-07-15	IS : 6915—1973
					232.	7855	80-07-16	81-07-15	IS : 778—1971
					233.	7856	80-07-16	81-07-15	IS : 3984—1967
					234.	7857	80-07-16	81-07-15	IS : 1786—1966
					235.	7859	80-08-01	81-07-31	IS : 4964 (भाग 2)— 1975
					236.	7863	80-08-01	81-07-31	IS : 5281—1967
					237.	7866	80-08-01	81-07-31	IS : 8268—1976
					238.	7868	80-08-01	81-07-31	IS : 633—1975
					239.	7871	80-08-01	81-07-31	IS : 4310—1967
					240.	7875	80-08-01	81-07-31	IS : 780—1969
					241.	7881	80-08-01	81-07-31	IS : 226—1975

1	2	3	4	5	1	2	3	4	5
242.	7882	80-08-01	81-07-31	IS : 1786—1966	16.	620	80-08-16	81-08-15	IS : 1322—1965
243.	7884	80-08-01	81-07-31	IS : 226—1975	17.	656	80-08-01	81-07-31	IS : 1785 (Part I & II)—1966
244.	7887	80-08-01	81-07-31	IS : 226—1975	18.	702	80-08-01	81-07-31	IS : 226—1975
245.	7888	80-08-01	81-07-31	IS : 1977—1975	19.	703	80-08-01	81-07-31	IS : 1977—1975
246.	7891	80-08-16	81-08-15	IS : 3575—1977	20.	710	80-08-01	81-07-31	IS : 226—1975
247.	7898	80-08-16	81-08-15	IS : 398—1976	21.	711	80-08-01	81-07-31	IS : 1977—1975
248.	7901	80-08-16	81-08-15	IS : 8249—1976	22.	716	80-08-01	81-07-31	IS : 226—1975
249.	7902	80-08-16	81-08-15	IS : 4654—1974	23.	717	80-08-01	81-07-31	IS : 1977—1975
250.	7909	80-08-01	81-07-31	IS : 2879—1975	24.	724	80-08-01	81-07-31	IS : 226—1975
251.	7910	80-08-16	81-08-15	IS : 4654—1974	25.	758	80-08-01	81-07-31	IS : 1551—1976
252.	7912	80-08-16	81-08-15	IS : 2708—1973	26.	894	80-03-16	81-08-15	IS : 2566—1965
253.	7913	80-08-16	81-08-15	IS : 6003—1970	27.	1020	80-08-16	81-08-15	IS : 1166—1975
254.	7915	80-08-16	81-08-15	IS : 1729—1964	28.	1112	80-08-16	81-08-15	IS : 1480—1970
255.	7921	80-08-16	81-08-15	IS : 1038—1975	29.	1307	80-08-01	81-07-31	IS : 2645—1975
256.	7922	80-08-16	81-08-15	IS : 8500—1977	30.	1325	80-08-16	81-08-15	IS : 694—1977
257.	7923	80-08-16	81-08-15	IS : 780—1969	31.	1491	80-08-16	81-08-15	IS : 264—1976
258.	7924	80-08-16	81-08-15	IS : 6595—1972	32.	1492	80-08-16	81-08-15	IS : 266—1977
259.	7926	80-08-16	81-08-15	IS : 562—1972	33.	1518	79-09-16	80-09-15	IS : 565—1975
260.	7928	80-09-01	81-08-31	IS : 10 (Part 4)—1976	34.	1519	79-09-16	80-09-15	IS : 562—1972
261.	7955	80-09-01	81-08-31	IS : 226—1975	35.	1530	80-08-16	81-08-15	IS : 10 (Part IV)—1976
262.	7956	80-09-01	81-08-31	IS : 1221—1971	36.	1569	80-08-16	81-08-15	IS : 2557—1973
263.	8133	80-09-01	81-08-31	IS : 137—1965	37.	1573	80-09-01	81-03-31	IS : 10 (Part II)—1976

[सं. सी. प्रम. बो./13:12]
ए.पी. अन्तर्राष्ट्रीय मापदण्डिका

New Delhi, the 1981-03-24

S.O.1184.—In pursuance of sub-regulation (1) of Regulation 8 of the Indian Standards Institution (Certification Marks) Regulations 1955, as amended from time to time, the Indian Standards Institution, hereby, notifies that 263 licences, particulars of which are given in the following Schedule, have been renewed during the month of August 1980 :

SCHEDULE

Sl. No.	CM/L No.	Valid		Indian Standard Specification No.
		From	To	5
1	2	3	4	5
1.	113	80-08-01	81-07-31	IS : 10 (Part II)—1976
2.	114	80-08-01	81-07-31	IS : (Part II)—1976
3.	120	80-05-01	81-04-30	IS : (Part II)—1976
4.	134	80-08-01	81-07-31	IS : 1063—1963
5.	136	80-08-16	81-08-15	IS : 246—1972
6.	162	80-06-01	81-05-31	IS : 291—1961, IS : 319—1974, IS : 320—1962
7.	163	80-06-01	81-05-31	IS : 288—1960 & IS : 613—1964
8.	173	80-07-16	81-07-15	IS : 1011—1968
9.	185	80-06-01	81-05-31	IS : 1322—1970
10.	213	80-09-01	81-08-31	IS : 10 (Part II)—1976
11.	225	80-05-01	81-04-30	IS : 10 (Part II)—1976
12.	382	80-08-01	81-07-31	IS : 325—1970
13.	431	80-08-01	81-07-31	IS : 814 (Part I & II)—1974
14.	479	80-07-01	81-06-30	IS : 1838—1961
15.	503	80-08-01	81-07-31	IS : 10 (Part IV)—1976

48.	2034	80-08-16	81-08-15	IS : 5444—1978 IS : 5445—1969 IS : 5446—1978 IS : 5447—1969 IS : 5881—1971 IS : 5918—1970 IS : 5919—1978 IS : 5926—1970 IS : 6091—1971
49.	2127	80-08-16	81-08-15	IS : 5101—1969 IS : 5102—1969 IS : 5103—1969
50.	2147	80-09-01	81-08-31	IS : 325—1978
51.	2186	80-08-01	81-07-31	IS : 10 (Part III)—1974
52.	2190	80-08-16	81-08-15	IS : 5101—1969 IS : 5102—1969 IS : 5103—1969

1	2	3	4	5	1	2	3	4	5
53.	2528	80-08-01	81-07-31	JS : 3450—1976	117.	4590	80-09-01	81-08-31	IS : 2548—1967
54.	2569	80-08-16	81-08-15	IS : 6173—1971 IS : 7821—1975	118.	4597	80-09-01	81-08-31	IS : 458—1971
55.	2587	80-09-16	81-09-15	IS : 3224—1971	119.	4621	80-09-01	81-08-31	IS : 7407—1974
56.	2724	80-09-01	81-08-31	IS : 3076—1968	120.	4684	80-10-01	81-09-30	IS : 1601—1960
57.	2731	80-08-16	81-08-15	IS : 694—1977	121.	4688	80-07-16	81-07-15	IS : 276—1969
58.	2736	80-08-16	81-08-15	IS : 2580—1965	122.	4726	80-06-16	81-06-15	IS : 774—1971
59.	2787	80-08-16	81-08-15	IS : 1596—1977	123.	4741	80-01-01	80-12-31	IS : 5135 (Part I)—1974 IS : 5135 (Part II)—1977
60.	2831	80-08-16	81-08-15	IS : 2211—1977	124.	4774	80-09-01	81-08-31	IS : 10 (Part II)—1976
61.	3015	80-08-16	81-08-15	IS : 694—1977	125.	4775	80-06-16	81-06-15	IS : 3224—1971
62.	3093	80-08-01	81-07-31	IS : 1554 (Part I)—1976	126.	4824	80-08-16	81-08-15	IS : 1786—1966
63.	3094	80-08-01	81-07-31	IS : 1786—1966	127.	4995	80-08-16	81-08-15	IS : 325—1970
64.	3101	80-07-01	81-06-30	IS : 1392—1971	128.	5127	80-08-01	81-07-31	IS : 4432—1967
65.	3131	80-08-16	81-08-15	IS : 780—1969	129.	5156	80-05-01	81-04-30	IS : 7231—1974
66.	3140	80-08-16	81-08-15	IS : 2566—1965	130.	5198	80-07-16	81-07-15	IS : 4449—1967
67.	3146	80-09-01	81-08-31	IS : 916—1975	131.	5200	80-07-16	81-07-15	IS : 4450—1967
68.	3160	80-08-16	81-08-15	IS : 916—1975	132.	5201	80-07-16	81-07-15	IS : 3811—1966
69.	3295	80-08-16	81-08-15	IS : 427—1965	133.	5235	80-06-01	81-05-31	IS : 1970—1974
70.	3329	80-08-01	81-07-31	IS : 398 (Part I & II)—1976	134.	5360	80-07-16	81-07-15	IS : 702—1961
					135.	5372	80-08-01	81-07-31	IS : 7371—1975
71.	3469	80-08-01	81-07-31	IS : 4816—1971	136.	5383	80-08-01	81-07-31	IS : 1786—1766
72.	3480	80-07-16	81-07-15	IS : 3564—1975	137.	5389	80-08-01	81-07-31	IS : 1786—1766
73.	3489	80-07-16	81-07-15	IS : 410—1967	138.	5392	80-08-01	81-07-31	IS : 3829—1766
74.	3495	80-08-01	81-07-31	IS : 1601—1960					IS : 4510—1768
75.	3498	80-08-01	81-07-31	IS : 4984—1978	139.	5400	80-08-01	81-07-31	IS : 226—1775
76.	3499	80-08-01	81-07-31	IS : 2548—1967	140.	5401	80-08-01	81-07-31	IS : 1977—1975
77.	3515	80-08-16	81-08-15	IS : 5410—1969	141.	5415	80-08-01	81-07-31	IS : 651—1771
78.	3517	80-08-16	81-08-15	IS : 1879—1975	142.	5425	80-08-01	81-07-31	IS : 280—1778
79.	3518	80-08-16	81-08-15	IS : 4323—1967	143.	5426	80-08-16	81-08-15	IS : 3811—1766
80.	3655	80-08-16	81-08-15	IS : 561—1972	144.	5432	80-08-16	81-08-15	IS : 1159—1757
81.	3656	80-08-16	81-08-15	IS : 564—1975	145.	5435	80-08-16	81-08-15	IS : 564—1975
82.	3697	80-08-01	81-07-31	IS : 2879—1975	146.	5440	80-09-01	81-08-31	IS : 130—1973
83.	3737	80-09-01	81-08-31	IS : 561—1972	147.	5445	80-08-16	81-08-15	IS : 325—1770
84.	3870	80-07-01	81-06-30	IS : 5679—1970	148.	5456	80-09-01	81-08-31	IS : 427—1965
85.	3886	80-08-01	81-07-31	IS : 325—1970	149.	5492	80-09-01	81-08-31	IS : 1601—1960
86.	3890	80-08-01	81-07-31	IS : 1476—1971	150.	5495	80-08-16	81-08-15	IS : 21—1975
87.	3891	80-08-01	81-07-31	IS : 285—1974	151.	5545	80-08-01	81-07-31	IS : 6914—1978
88.	3896	80-08-01	81-07-31	IS : 1601—1960	152.	5591	80-07-01	81-06-30	IS : 564—1975
89.	3899	80-08-01	81-07-31	IS : 2257—1970	153.	5670	80-08-01	81-07-31	IS : 6915—1978
90.	3905	80-08-16	81-08-15	IS : 5281—1979	154.	5866	80-08-16	81-08-15	IS : 10 (Part IV)—1976
91.	3916	80-08-16	81-08-15	IS : 2682—1966	155.	5875	80-08-01	81-07-31	IS : 1729—1964
92.	3920	80-08-01	81-07-31	IS : 2888—1974	156.	5999	80-08-16	81-08-15	IS : 4984—1972
93.	3921	80-08-16	81-09-30	IS : 633—1975	157.	6087	80-05-16	81-05-15	IS : 632—1972
94.	3929	80-09-01	81-09-30	IS : 1307—1973	158.	6139	80-08-16	81-08-15	IS : 325—1961
95.	3930	80-08-16	81-08-15	IS : 2818—1971	159.	6150	80-06-16	81-06-15	IS : 4964 (Part II)—1975
96.	4203	80-07-01	81-06-30	IS : 10 (Part II)—1976	160.	6187	80-07-01	81-06-30	IS : 5346—1975
97.	4269	80-08-01	81-07-31	IS : 3976—1975	161.	6202	80-08-01	81-07-31	IS : 7127—1973
98.	4280	80-08-16	81-08-15	IS : 5346—1975	162.	6227	80-07-16	81-07-15	IS : 458—1979
99.	4331	80-07-16	81-07-15	IS : 779—1968	163.	6231	80-08-16	81-08-15	IS : 1660 (Part I)—1967 IS : 1660 (Part II & III)—1972 IS : 1660 (Part IV)—1977
100.	4341	80-08-01	81-07-31	IS : 1596—1977	164.	6232	80-08-16	81-08-15	IS : 694—1977
101.	4376	80-06-01	81-05-31	IS : 2568—1973	165.	6235	80-07-16	81-07-15	IS : 564—1975
102.	4377	80-08-16	81-08-15	IS : 633—1975	166.	6237	80-08-01	81-07-31	IS : 3231—1965
103.	4422	80-07-16	81-07-15	IS : 774—1971	167.	6268	80-08-01	81-07-31	IS : 7652—1975
104.	4428	80-08-16	81-08-15	IS : 5346—1975	168.	6269	80-08-01	81-07-31	IS : 4654—1974
105.	4471	80-07-16	81-07-15	IS : 4246—1972	169.	6278	80-08-01	81-07-31	IS : 2567—1978
106.	4474	80-08-16	81-08-15	IS : 1370—1965	170.	6281	80-08-01	81-07-31	IS : 2567—1978
107.	4490	80-08-16	81-08-15	IS : 1005—1976	171.	6294	80-08-01	81-07-31	IS : 6595—1972 IS : 7538—1975
108.	4492	80-07-16	81-07-15	IS : 2148—1968	172.	6299	80-08-01	81-07-31	IS : 2834—1964
109.	4493	80-08-16	81-08-15	IS : 1007—1971	173.	6300	80-08-01	81-07-31	IS : 1239 (Part I)—1973
110.	4498	80-08-01	81-07-31	IS : 2834—1964	174.	6309	80-08-01	81-07-31	IS : 5346—1975
111.	4512	80-08-01	81-07-31	IS : 1239 (Part I)—1973	175.	6310	80-08-01	81-07-31	IS : 1786—1966
112.	4521	80-08-01	81-07-31	IS : 5346—1975					
113.	4546	80-08-16	81-08-15	IS : 633—1975					
114.	4547	80-08-16	81-08-15	IS : 1786—1966					
115.	4552	80-08-16	81-08-15	IS : 2026 (Part I)—1977					
116.	4576	80-08-16	81-08-15	IS : 1891 (Part I)—1968					

(1)	(2)	(3)	(4)	(5)	(1)	(2)	(3)	(4)	(5)
176.	6311	80-08-01	81-07-31	IS : 565—1975	240.	7875	80-08-01	81-07-31	IS : 780—1969
177.	6322	80-08-16	81-08-15	IS : 9 6439—1978	241.	7881	80-08-01	81-07-31	IS : 226—1975
178.	6325	80-07-01	81-06-30	IS : 933—1976	242.	7882	80-08-01	81-07-31	IS : 1786—1966
179.	6330	80-08-16	81-08-15	IS : 4964 (Part II)—1975	243.	7884	80-08-01	81-07-31	IS : 226—1975
180.	6334	80-08-16	81-08-15	IS : 2266—1977 IS : 2581—1977	244.	7887	80-08-01	81-07-31	IS : 226—1975
181.	6341	80-08-16	81-08-15	IS : 4174—1967	245.	7888	80-08-01	81-07-31	IS : 1977—1975
182.	6345	80-08-16	81-08-15	IS : 4323—1967	246.	7891	80-08-16	81-08-15	IS : 3575—1977
183.	6348	80-08-16	81-08-15	IS : 5346—1975	247.	7898	80-08-16	81-08-15	IS : 398—1976
184.	6355	80-08-16	81-08-15	IS : 562—1972	248.	7901	80-08-16	81-08-15	IS : 8249—1976
185.	6370	80-08-16	81-08-15	IS : 4964 (Part II)—1975	249.	7902	80-08-16	81-08-15	IS : 4654—1974
186.	6666	80-08-01	81-07-31	IS : 398 (Prt I & II)—1976	250.	7909	80-08-01	81-07-31	IS : 2879—1975
187.	6858	80-05-01	81-04-30	IS : 4800 (Part IV, V & IX)—1971	251.	7910	80-08-16	81-08-15	IS : 4654—1974
188.	6882	80-04-01	80-09-30	IS : 418—1963	252.	7912	80-08-16	81-08-15	IS : 2708—1973
189.	6969	80-04-16	81-04-16	IS : 1601—1960	253.	7913	80-08-16	81-08-15	IS : 6003—1970
190.	7006	80-05-16	81-05-15	IS : 10 (Part II)—1976	254.	7915	80-08-16	81-08-15	IS : 1729—1964
191.	7024	80-06-01	81-05-31	IS : 10 (Part II)—1976	255.	7921	80-08-16	81-08-15	IS : 1038—1975
192.	7034	80-06-16	81-06-15	IS : 916—1975	256.	7922	80-08-16	81-08-15	IS : 8500—1977
193.	7043	80-06-16	81-06-15	IS : 2834—1964	257.	7923	80-08-16	81-08-15	IS : 780—1969
194.	7055	80-08-01	81-07-31	IS : 561—1972	258.	7924	80-08-16	81-08-15	IS : 6595—1972
195.	7080	80-08-01	81-07-31	IS : 2148—1968	259.	7926	80-08-16	81-08-15	IS : 362—1972
196.	7084	80-07-01	81-06-30	IS : 933—1976	260.	7928	80-09-01	81-08-31	IS : 10 (Part IV)—1976
197.	7085	80-07-01	81-06-30	IS : 2171—1976	261.	7955	80-09-01	81-08-31	IS : 226—1975
198.	7093	80-07-01	81-06-30	IS : 1398—1968	262.	7956	80-09-01	81-08-31	IS : 1221—1971
199.	7096	80-07-16	81-07-15	IS : 226—1975	263.	8133	80-09-01	81-08-31	IS : 137—1965
200.	7105	80-08-01	81-07-31	IS : 2567—1973					
201.	7109	80-07-16	81-07-15	IS : 4762—1968					
202.	7111	80-08-01	81-07-31	IS : 7407—1974					
203.	7113	80-08-01	81-07-31	IS : 745—1975					
204.	7114	80-08-01	81-07-31	IS : 4964 (Part II)—1975					
205.	7117	80-08-01	81-07-31	IS : 1488—1969					
206.	7120	80-08-01	81-12-31	IS : 7092 (Part II)—1976					
207.	7121	80-08-01	81-07-31	IS : 4323—1967					
208.	7125	80-08-01	81-07-31	IS : 285—1974					
209.	7127	80-08-01	81-07-31	IS : 3196—1974					
210.	7129	80-08-01	81-07-31	IS : 3749—1978					
211.	7132	80-08-01	81-07-31	IS : 6595—1972					
212.	7135	80-08-01	81-07-31	IS : 4654—1974					
213.	7136	80-08-01	81-07-31	IS : 4654—1974					
214.	7146	80-08-16	81-08-15	IS : 633—1975					
215.	7151	80-08-16	81-08-15	IS : 2567—1973					
216.	7170	80-09-01	81-08-31	IS : 10 (Part IV)—1976					
217.	7171	80-09-01	81-08-31	IS : 4355—1977					
218.	7278	79-11-01	80-10-31	IS : 261—1966					
219.	7282	80-09-01	81-08-31	IS : 280—1972					
220.	7787	80-06-16	81-06-15	IS : 7532—1974					
221.	7807	80-07-01	81-06-30	IS : 4654—1974					
222.	7808	80-07-01	80-06-30	IS : 4654—1974					
223.	7832	80-07-16	81-07-15	IS : 2567—1978					
224.	7834	80-07-16	81-07-15	IS : 2834—1964					
225.	7841	80-07-16	81-07-15	IS : 226—1975					
226.	7842	80-07-16	81-07-15	IS : 1977—1975					
227.	7843	80-07-16	81-07-15	IS : 781—1977					
228.	7845	80-07-16	81-07-15	IS : 1786—1966					
229.	7850	80-07-16	81-07-15	IS : 2567—1978					
230.	7852	80-07-16	81-07-15	IS : 6914—1973					
231.	7853	80-07-16	81-07-15	IS : 6915—1973					
232.	7855	80-07-16	81-07-15	IS : 778—1971					
233.	7856	80-07-16	81-07-15	IS : 3984—1967					
234.	7857	80-07-16	81-07-15	IS : 1786—1966					
235.	7859	80-08-01	81-07-31	IS : 4964 (Part II)—1975					
236.	7863	80-08-01	81-07-31	IS : 5281—1967					
237.	7866	80-08-01	81-07-31	IS : 8268—1976					
238.	7868	80-08-01	81-07-31	IS : 633—1975					
239.	7871	80-08-01	81-07-31	IS : 4310—1967					

[No. CMD/13 : 12]

A. P. BANERJI, Addl. Director General

अर्जा मंत्रालय

(कोलकाता विभाग)

नई दिल्ली, 18 फरवरी, 1981

का० आ० 1185. —केन्द्रीय सरकार ने कोशला धारक धोत्र (अर्जन और विकास) अधिनियम, 1957 (1957 का 20) की धारा 4 की उपधारा (1) के अधीन जारी की गई भारत सरकार के अर्जा मंत्रालय (कोलकाता विभाग) की अधिसूचना संख्या का० आ० 2703, तारीख 4 सितम्बर, 1978 द्वारा उक्त अधिसूचना से उपाबद्ध अनुसूची में विनिष्ट और इसमें उपाबद्ध अनुसूची में पुनः प्रस्तुत परिक्षेत्र में 2832.38 एकड़ (लगभग) या 1146.22 हेक्टर (लगभग) या 4.42 वर्ग मील (लगभग) क्षेत्रफल वाली भूमियों में कोयले का पूर्वेन्द्रण करने के अपने आशय की सूचना दी थी;

आर उक्त भूमियों की बाबत उक्त अधिनियम की धारा 7 की उपधारा (1) के अधीन कोई सूचना नहीं दी गई है;

अतः केन्द्रीय सरकार उक्त धारा 7 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए 4 सितम्बर, 1980 से आगम्य होने वाली एक वर्ष की ओर अब्दि को ऐसी अवधि के रूप में विनिष्ट करती है जिसके भीतर केन्द्रीय सरकार उक्त भूमियों को अर्जित या उनमें या उन पर किन्हीं अधिकारों को अर्जित करने के अपने आशय की सूचना दे सकेगी।

प्रनुसूची
सोनपुर ब्लाक
रानीगंज कोयला धोक्सा
झाइंग मं० 33/1883
तारीख 15-2-1978
(पूर्वेक्षण के लिए अधिसूचित भूमि दर्शित करते हुए)

क्रम मं०	मौजा (ग्राम)	थाना सं०	पुलिस स्टेशन (थाना)	जिला	एकड़ों में क्षेत्र	टिप्पणियाँ
1	2	3	4	5	6	7
1.	नवाग्राम	.	20	अनदल	बर्द्धान	850.90 भाग
2.	भालुका	.	21	यथोक्त	बर्द्धान	219.17 मम्पूर्ण
3.	सोनपुर	.	22	यथोक्त	बर्द्धान	1352.40 मम्पूर्ण
4.	हंसडिहा	.	27	यथोक्त	यथोक्त	409.91 मम्पूर्ण
कुल क्षेत्र					2832.38 एकड़ (लगभग)	
या					1146.22 हेक्टर (लगभग)	

सीमा वर्णन .

- क—ख रेखा, सोनपुर और गिलपहाड़ी मौजों के मध्य सामान्य सीमा के साथ-साथ जाती है और बिन्दु “ख” पर मिलती है ।
- ख—ग रेखा, सोनपुर और दासुरबन्द मौजों के मध्य सामान्य सीमा के साथ-साथ जाती है और बिन्दु “ग” पर जा मिलती है ।
- ग—घ रेखा, सोनपुर और जोलभंगा मौजों के मध्य सामान्य सीमा के साथ-साथ जाती है और बिन्दु “घ” पर जा मिलती है ।
- घ—ड रेखा, नवाग्राम और जोलभंगा मौजों के मध्य सामान्य सीमा के साथ-साथ जाती है और बिन्दु “ड” पर जा मिलती है ।
- ड—च रेखा, नवाग्राम और भट्टमुरा के मध्य सामान्य सीमा के साथ-साथ जाती है और बिन्दु “च” पर जा मिलती है ।
- च—छ रेखा, नवाग्राम और कोतारडिही मौजों के मध्य सामान्य सीमा के भाग के साथ-साथ जाती है और बिन्दु “छ” पर जा मिलती है ।
- छ—ज रेखा, वर्तमान बंकोल कोयला खान की खनन पट्टा सीमा के साथ-साथ नवाग्राम मौजों को पार करके जाती है और मौजा नवाग्राम की पश्चिमी सीमा पर बिन्दु “ज” पर मिलती है ।
- ज—झ रेखा, नवाग्राम और गकरपुर मौजों के मध्य सामान्य सीमा के भाग के साथ-साथ जाती है और बिन्दु “झ” पर मिलती है ।
- झ—ञ रेखा, हसडिहा और बानवहल मौजों के मध्य सामान्य सीमा के साथ-साथ जाती है और बिन्दु “ञ” पर मिलती है ।
- ञ—ट रेखा, हंसडिहा और बानवहल मौजों के मध्य सामान्य सीमा के साथ साथ जाती है और बिन्दु “ट” पर मिलती है ।
- ट—ठ रेखा, सोनपुर और बानवहल मौजों के मध्य सामान्य सीमा के साथ साथ जाती है और बिन्दु “ठ” पर मिलती है ।
- ठ—ड रेखा, सोनपुर और कुमार खाला मौजों के मध्य सामान्य सीमा के साथ साथ जाती है और बिन्दु “ड” पर मिलती है ।
- ड—ढ रेखा, सोनपुर और बजरी मौजों के मध्य सामान्य सीमा के साथ-साथ जाती है और बिन्दु “ढ” पर मिलती है ।
- ढ—क रेखा, सोनपुर और केन्द्र खोसाडी मौजों के मध्य सामान्य सीमा के साथ-साथ जाती है और आरम्भिक बिन्दु “क” पर जा मिलती है ।

MINISTRY OF ENERGY
(Department of Coal)

New Delhi, the 18th February, 1981

S.O. 1185.—Whereas by the notification of the Government of India in the Ministry of Energy (Department of Coal) S.O. No. 2703 dated the 4th September, 1978 issued under sub-section (i) of section 4 of the Coal Bearing Areas (Acquisition and Development) Act, 1957 (20 of 1957), the Central Government gave notice of its intention to prospect for coal in lands measuring 2832.38 acres (approximately) or 1146.22 hectares (approximately) or 4.42 square miles (approximately) in the locality specified in the Schedule appended to that notification and reproduced in the Schedule amended hereunto;

And, whereas, in respect of the said lands, no notice under sub-section (1) of section 7 of the said Act has been given;

Now, therefore, in exercise of the powers conferred by the said sub-section (i) of section 7, the Central Government hereby specifies a further period of one year commencing from the 4th September, 1980, as the period within which the Central Government may give notice of its intention to acquire the said lands or any rights in or over such lands.

SCHEDULE

SONPUR BLOCK

RANIGANJ COALFIELD

Drg. No. 33/1883
 Dated : 15-2-1978
 (Showing lands notified
 for prospecting)

Serial number	Mouza (village)	Thana Number	Police Station (Thana)	District	Area in Acres	Remarks
1.	Nabagram	20	Andal	Burdwan	850.90	Part
2.	Bhaluka	21	-do-	-do-	210.17	Full
3.	Sonpur	22	-do-	-do-	1352.40	Full
4.	Hansdha	27	-do-	-do-	409.91	Full
Total area - 2832.38 acres (approximately) or 1146.22 hectares (approximately)						

BOUNDARY DESCRIPTION :

- A-B Line passes along the common boundary between Sonpur and Bilpahari mouzas and meets at point 'B'.
- B-C Line passes along the common boundary between Sonpur and Balurband mouzas and meets at point 'C'.
- C-D Line passes along the common boundary between Sonpur and Joalbhanga mouzas and meets at point 'D'.
- D-E Line passes along the common boundary between Nabagram and Joalbhanga mouzas and meets at point 'E'.
- E-F Line passes along the common boundary between Nabagram and Bhatmura mouzas and meets at point 'F'.
- F-G Line passes along part common boundary between Nabagram and Monardihia mouzas and meets at point 'G'.
- G-H Line passes across Nabagram mouza, along mining lease boundary of existing bankela colliery and meets at point 'H' on the western boundary of mouza Nabagram.
- H-I Line passes along part common boundary between Nabagram and Shankarpur mouzas and meets at point 'I'.
- I-J Line passes along the common boundary between Hansdha and Shankarpur mouzas and meets at point 'J'.
- J-K Line passes along the common boundary between Hansdha and Banbahal mouzas and meets at point 'K'.
- K-L Line passes along the common boundary between Sonpur and Banbahal mouzas and meets at point 'L'.
- L-M Line passes along the common boundary between Sonpur and Kumar-khala mouzas and meets at point 'M'.
- M-N Line passes along the common boundary between Sonpur and Bajari mouzas and meets at point 'N'.
- N-A Line passes along the common boundary between Sonpur and Kendra Khotadi mouzas and meets at the starting point 'A'.

[No. 19(31)/(80-CL]

SWARAN SINGH. Under Secy.

प्रामीण प्रसरितमाण मंत्रालय

नई दिल्ली, 20 मार्च, 1981

का० आ० 1186—केन्द्रीय सरकार, कृषि उपज (श्रेणीकरण और चिह्नांकन) अधिनियम, 1937 (1937 का 1) की धारा 3 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए तथा भारत के राजपत्र, भाग 2, खण्ड 3 (II), तारीख 4-11-1978 में का० आ० 3166 के रूप में और भारत के राजपत्र, भाग 2, खण्ड 3 (II) में का० आ० सं० 505 के रूप में अधिसूचित प्रारम्भिक प्रारूपों को अधिकांत करते हुए श्रीमरी मकब्बन श्रेणीकरण और चिह्नांकन नियम, 1941 का कठिपय संशोधन करना चाहती है। जैसा कि उक्त धारा में अपेक्षित है, प्रस्तावित संशोधनों का निम्नलिखित प्रस्तुत उन सभी व्यक्तियों की जानकारी के लिए प्रकाशित किया जा रहा है, जिनके उससे प्रभावित होने की संभावना है और इसके द्वारा सूचना दी जाती है कि उक्त प्रारूप पर इस अधिसूचना के राजपत्र में प्रकाशन की तारीख से पैतालिस दिन के पश्चात् विचार किया जाएगा।

इस प्रकार विनिर्दिष्ट अवधि की समाप्ति के पूर्व नियमों के उक्त प्रारूप की बाबन जो भी आक्षेप या सुझाव किसी व्यक्ति से प्राप्त होंगे, केन्द्रीय सरकार उन पर विचार करेगी।

प्रारूप-नियम

1. इन नियमों का संक्षिप्त नाम श्रीमरी मकब्बन श्रेणीकरण और चिह्नांकन संशोधन नियम, 1981 है।

2. कारब्बाना मकब्बन श्रेणीकरण और चिह्नांकन नियम, 1941 में;—

(क) खण्ड (क) के स्थान निम्नलिखित खण्ड रखा जायेगा, अर्थात्:—

“(क) साफ या कोड अक्षरों और अंकों में पैकिंग का मास और वर्ष;”

(ख) खण्ड (ध) के स्थान पर निम्नलिखित खण्ड रखा जाएगा, अर्थात्:—

“(ध) पैकिंग के समय मकब्बन का शुद्ध भार, जो मानक पैकेज होगा, अर्थात्:—

25 ग्राम, 50 ग्राम, 100 ग्राम, 200 ग्राम, 250 ग्राम, 400 ग्राम, 500 ग्राम, 1 किं० ग्रा०, 2 किं० ग्रा० 5 किं० ग्राम और तत्पश्चात् 5 किं० ग्राम के गुणजों में”;

(ग) खण्ड (ध) के पश्चात् निम्नलिखित खण्ड (ङ) अन्तः स्थापित किया जाएगा, अर्थात्:—

“(ङ) वसा प्रतिशत।”

(ii) अनुसूची 1 में—

(क) साधारण लक्षण शीर्षक के अधीन, संभं 3 की मद

(ग) में, “60° फा०” अंक और अक्षर के स्थान पर “15° से,” अंक और अक्षर रखे जाएंगे।

(घ) संभं 3 के नीचे मद (अ) के पश्चात् निम्नलिखित मद अंतः स्थापित की जाएगी, अर्थात्:—

“() यदि शुद्ध डेरी नमक डाला जाता है तो वह, भार में तीन प्रतिशत से अधिक नहीं होगा।”

[स० एफ० 13-11/77-ए.एम]

MINISTRY OF RURAL RECONSTRUCTION

New Delhi, the 20th March, 1981

S.O. 1186.—The following draft of certain rules to amend the Creamery Butter Grading and Marking Rules, 1941, which the Central Government proposes to make in exercise of the powers conferred by Section 3 of the Agricultural Produce (Grading and Marking) Act, 1937 (1 of 1937), is hereby published as required by the said section, in supersession of the preliminary drafts notified as S.O. No. 3166 in Part II, 3 (ii) of the Gazette of India dated 4-11-1978 and as S.O. No. 505 in Part II, 3 (ii) of the Gazette of India dated 10-2-1979, for the information of all persons likely to be affected thereby and notice is hereby given that the said draft will be taken into consideration after the expiry of fortyfive days from the date of publication of this notification in the Official Gazette.

Any objections or suggestions which may be received from any person with respect to the said draft before the expiry of the period so specified will be considered by the Central Government.

DRAFT RULES

1. These rules may be called the Creamery Butter Grading and marking (Amendment) Rules, 1981.

2. In the Creamery Butter Grading and Marking Rules, 1941,—

(i) In rule 6,—

(a) for clause (a), the following clause shall be substituted, namely:—

“(a) Month and year of packing in plain or code letters and figures”;

(b) for clause (d), the following clause shall be substituted, namely:—

“(d) Net weight of butter contained at the time of packing which shall be the standard packages, namely, 25 gm., 50 gm., 100 gm., 200 gm., 250 gm., 400 gm., 500 gm., 1 Kg., 2 Kg., 5 Kg., and thereafter in multiples of 5 Kg.”;

(c) after clause (d), the following clause (c) shall be inserted, namely:—

“(e) Fat content percentage.”

(ii) In Schedule I—

(a) under the heading General characteristics, in column 3, in item (c), for the figures and letter “60° F”, the figures and letter “15° C” shall be substituted.

(b) under column 3, after item (i), relating the following item shall be inserted, namely:—

“(j) Clean dairy salt when added shall not exceed 3 per cent by weight.”

[No. F. 13-11/77-AM]

कांग्रेस। 1187.—केन्द्रीय सरकार, वृपि उपज (श्रेणीकरण और चिन्हाकन) अधिनियम, 1937 (1937 का 1) की धारा 3 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, सौफ (साबुत और पिसी हुई), मेथी (साबुत और पिसी हुई) और मेलेरी सीड (साबुत) श्रेणीकरण और चिन्हाकन नियम, 1967 में कठिपय और संशोधन करना चाहती है। जैसा कि उक्त धारा में अधिकृत है, प्रस्तावित संशोधन नियमों का निम्नलिखित प्रारूप उन सभी व्यक्तियों की जानकारी के लिए प्रकाशित किया जा रहा है जिनके उससे प्रभावित होने की संभावना है। इसके द्वारा सूचना दी जाती है कि उक्त प्रारूप पर इस अधिसूचना के राजपत्र में प्रकाशन की तारीख से पैतालिस दिन की समाप्ति पर या उसके पश्चात विचार किया जाएगा।

इस प्रकार विनिर्दिष्ट अवधि की समाप्ति से पूर्व संशोधन के उक्त प्रारूप की बाबत जो भी आधेप या सुझाव किसी व्यक्ति से प्राप्त होगा, केन्द्रीय सरकार उस पर विचार करेगी।

नियमों का प्रारूप

1. इन नियमों का संक्षिप्त नाम सौफ (साबुत और पिसी हुई), मेथी (साबुत और पिसी हुई) और मेलेरी सीड (साबुत) श्रेणीकरण और चिन्हाकन (संशोधन) नियम, 1981 है।

ये राजपत्र में प्रकाशन की तारीख को प्रवृत्त होंगे।

2. सौफ (साबुत और पिसी हुई), मेथी (साबुत और पिसी हुई) और मेलेरी सीड श्रेणीकरण और चिन्हाकन नियम, 1967 में—

(क) अनुसूची iii के स्थान पर, निम्नलिखित अनुसूची रखी जाएगी, अर्थात् :—

“अनुसूची-III

(नियम 3 और 4 देखिए)

सौफ पाउडर का श्रेणी अभिधान और क्वालिटी की परिभाषा

श्रेणी अभिधान	विशेष लक्षण	साधारण लक्षण			
नमी, भार द्वारा प्रतिशत (अधिकतम)	कुल भस्म भार द्वारा प्रतिशत (अधिकतम)	अम्ल अविनेय भस्म भार द्वारा प्रतिशत न्यूनतम (वी डब्ल्यू)			
1	2	3	4	5	6
मानक	12.0	9.0	2.0	1.0	सौफ पाउडर, सूखे, पके, साफ और अच्छे साबुत सौफ फलों को पीस कर प्राप्त किया हुआ पदार्थ होगा। वह अधिमिश्रण से मुक्त, फकूदी, कीटप्रस्त या फकूदा गंध से मुक्त होगा। यह स्थूल कणों से मुक्त होगा और हतना बारीक पिसा हुआ होगा कि वह पूरा का पूरा 500 माइक्रोन छलनी में से निकल जाए।”

(ख) अनुसूची 5 के स्थान पर, निम्नलिखित अनुसूची रखी जाएगी, अर्थात् :—

“अनुसूची

(नियम 3 और 4 देखिए)

मेथी पाउडर का श्रेणी अभिधान और क्वालिटी की परिभाषा

विशेष लक्षण

श्रेणी अभिधान	कुल भस्म, भार प्रतिशत (अधिकतम)	कुल अविलेय भस्म, भार द्वारा प्रतिशत (अधिकतम)	कुल शीतल जल विलेय तत्व, भार द्वारा प्रतिशत (न्यूनतम)	साधारण लक्षण		
मात्रक	1	2	3	4	5	6
		10.0	7.0	2.0	30.0	मेथी पाउडर, मूँखे, पके, साफ और अच्छे साबुत मेथी बीजों को पीसकर प्राप्त किया हुआ पदार्थ होगा। वह अधिकांश से मुक्त, फफूंटी, कीटप्रसन या ऊकूदार गंध से मुक्त वह स्थूलकणों से मुक्त होगा और इतना बारीक पिसा हुआ होगा कि वह पूरा का पूरा 500 माइक्रोन की छलनी में से निकले जाएं।"

[म० एफ० 10-2/80-ए० एम०]

गत्थवृ सिह, अवर सचिव

S.O. 1187.—The following draft of certain rules further to amend the Fennel (Whole and Ground), Fenugreek (Whole and ground) and Celery Seed (Whole) Grading and Marking Rules, 1967, which the Central Government proposes to make in exercise of the powers conferred by section 3 of the Agricultural Produce (Grading and Marking) Act, 1937 (1 of 1937), is hereby published, as required by the said section, for the information of all persons likely to be affected thereby and notice is hereby given that the said draft will be taken into consideration on or after the expiry of a period of fortyfive days from the date of publication of this notification in the Official Gazette.

Any objection or suggestion which may be received from any person with regard to the said draft amendment before

the expiry of the period so specified will be taken into consideration by the Central Government.

DRAFT RULES

- (1) These Rules may be called the Fennel (Whole and Ground), Fenugreek (Whole and Ground) and Celery Seeds (Whole) Grading and Marking (Amendment) Rules, 1981.
- (2) They shall come into force on the date of this final publication in the Official Gazette.
2. In the Fennel (Whole and Ground), Fenugreek (Whole and Ground) and Celery Seed Grading and Marking Rules, 1967,—
 - for Schedule III, the following Schedule shall be substituted, namely :—

“SCHEDULE III

(See rules 3 and 4)

Grade and designation and definition of quality of Fennel powder

Grade designation	Special characteristics				General characteristics
	Moisture percentage by weight (maximum)	Total Ash, percentage by weight (maximum)	Acid insoluble ash, percentage by weight (maximum)	Volatile oil percentage minimum (V/W)	
1	2	3	4	5	6
Standard	12.00	9.0	2.0	1.0	Fennel powder shall be the material obtained by grinding the dried ripe clean and sound fennel fruits. It shall be free from admixture from mould growth, insect infestation or musty odour. It shall be free from coarse particles and ground to such a fineness that the whole of it passes through a 500-micron sieve."

(b) for Schedule V, the following Schedule shall be substituted, namely :-

"SCHEDULE V

(See rule 3 and 4)

Grade designation and definition of quality of Fenugreek powder.

Grade designation	Special characteristics					General characteristics
	Moisture percentage by weight (maximum)	Total Ash, percentage by weight (maximum)	Acid insoluble ash percentage by weight (maximum)	Total cold water soluble extract percentage by weight (maximum)	Sp. Gr.	
1 Standard	2 10 0	3 7 0	4 2 0	5 30 0	6	Fenugreek powder shall be the material obtained by grinding the dried ripe, clean and sound fenugreek seeds. It shall be free from admixture, free from mould growth, insect infestation or musty odour. It shall be free from coarse particles and ground to such a fineness that the whole of it passes through a 500-micron sieve".

[No. F-10-2/80-AM]

GANDHARV SINGH, Under Secy.

संचार मंत्रालय

(डाकपत्र बोर्ड)

नई दिल्ली, 31 मार्च, 1981

का० आ० 1188.—स्थायी आदेश संख्या 627, दिनांक 8 मार्च, 1960 द्वारा लागू किए गए भारतीय तार नियम, 1951 के नियम 434 के खंड III के पैरा (क) के प्रनुसार डाक-तार महानिदेशक ने हिन्दौन टेलीफोन केन्द्र में दिनांक 16-4-81 से प्रभागित दर प्रणाली लागू करने का निश्चय किया है।

[संख्या 5-8/81 पी एच बी]

आर० सी० कटारिया,

सहायक महानिदेशक (पी० एच० बी०)

MINISTRY OF COMMUNICATIONS

(P & T Board)

New Delhi, the 31st March, 1981

S.O. 1188.—In pursuance of para (a) of Section III of Rule 434 of Indian Telegraph Rules, 1951, as introduced by S.O. No. 627, dated 8th March, 1960, the Director General, Posts and Telegraphs, hereby specifies 16-4-1981 as the date on which the Measured Rate System will be introduced in Hindau Telephone Exchange, Rajasthan Circle.

[No. 5-8/81-PHB]

R. C. KATARIA, Assistant Director General(PHB)

भारतीय डाक-तार विभाग

कार्यालय डाक महाध्यक्ष, उत्तर प्रदेश परिमंडल,

लखनऊ, 28 मार्च, 1981

का० आ० 1189 —यतः भारत के राजपत्र के भाग II, खण्ड 3 उपखंड (ii) दिनांक 1 दिसम्बर, 1979 में

पृष्ठ 3426 पर प्रकाशित संचार मंत्रालय (डाक तार बोर्ड) सं० एस० आ० 3901 दिनांक 18 मई, 1976 को भारत सरकार की अधिसूचना द्वारा केन्द्र सरकार ने विभागीय जाच सक्षियों की उपस्थिति तथा दस्तावेज प्रस्तुतीकरण का प्रवर्तन अधिनियम, 1972 (1972 का 18) की धारा 4 की उपधारा (1) के अधीन उस सरकार को शक्तियों का प्रयोग करने के लिए अन्यों के साथ अधोहस्ताक्षरी को भी विनिर्दिष्ट किया है।

और यतः अधोहस्ताक्षरी की यह राय है कि श्री बालूदास भूतपूर्व उप डाक पाल मलारी (चमोली डिवीजन) के विश्व विभागीय जाच के प्रयोजन से श्री चैत सिंह जमाकर्ता बचत खाता संख्या 240054, पोस्ट आफिस मलारी, जिला चमोली की साथी के बतौर अध्यवा दस्तावेज मंगाने के लिए सम्मन किया जाना आवश्यक है।

अतः अब, उक्त अधिनियम की धारा 4 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए निम्न हस्ताक्षरकर्ता द्वारा श्री चैत सिंह जमाकर्ता, बचत खाता संख्या 240054, पोस्ट आफिस मलारी, जिला चमोली के सम्बन्ध में उक्त अधिनियम की धारा 5 में विनिर्दिष्ट शक्तियों का प्रयोग करने के लिए श्री सी० एस० रावत, डाक निरीक्षक कोटद्वार को जांच प्राधिकारी प्राधिकृत किया जाता है।

[सं० विज एम-6-243/79/7]

मुहम्मद उमर खां, डाक महाध्यक्ष, उत्तर प्रदेश

INDIAN POSTS AND TELEGRAPHS DEPARTMENT

(Office of the Post Master General U.P. Circle)

Lucknow, the 28th March, 1981

S.O. 1189.—Whereas by the notification of the Government of India in the Ministry of Communications (Posts and Telegraphs Board) No. S.O. 3901, dated the 18th May,

1979, published in the Gazette of India, Part II, Sec 3, sub-section (ii) dated the 1st October, 1979 at page 3426, the Central Government has specified, among others, the undersigned to exercise the powers of that Government under sub-section (1) of Section 4 of the Departmental Enquiries (Enforcement of Attendance) of witnesses and production of Documents Act 1972 (18 of 1972).

And whereas the undersigned is of opinion that for the purposes of departmental enquiry against Shri Balla Dass, Ex. SPM, Malai (Chamoli Division), it is necessary to summon as witness(es) or call for any documents from Shri Chait Singh, the depositor of SB Account No. 240054, P.O. Malai Distt. Chamoli.

Now therefore, in exercise of power conferred by Sub-sec. (1) of Sec. 4 of the said Act, the undersigned hereby authorises Shri C. S. Rawat, Inspector of Post Offices Kotdwara, the Enquiry authority to exercise the powers specified in Section 5 of the said Act in relation to Shri Chait Singh the depositor of SB A/C No. 240054, P.O. Malai, Distt. Chamoli.

[No. VIG/M-6-243/79/7]

M. U. KHAN, Postmaster General
U.P. Circle

रेल संचालन

(रेलवे बोर्ड)

नई दिल्ली, 20 मार्च, 1981

का० आ० 1190:—सरकारी स्थान (अप्राधिकृत अधिकारियों की बेदब्ली) अधिनियम, 1971 (1971 का 40) की धारा 3 द्वारा प्रदत्त शक्तियों का प्रयोग करत हुए, और भारत सरकार रेल मत्रालय की दिनांक 17 सितम्बर, 1980 की अधिसूचना सं० का० आ० 2645 के आंशिक आशोधन में, केन्द्रीय सरकार, उक्त अधिसूचना के अंतर्गत नियुक्त अधिकारियों के अतिरिक्त, एतद्वारा नीचे दी गयी तालिका के कालम 1 में उल्लिखित अधिकारियों को, जो सरकार के राजपत्रित अधिकारी हैं, उक्त अधिनियम के प्रयोजनार्थ सम्पदा अधिकारी नियुक्त करती है और आगे यह निदेश देती है कि उक्त अधिकारी सम्पदा अधिकारियों को उक्त अधिनियम के द्वारा प्रथम अंतर्गत प्राप्त शक्तियों का प्रयोग तथा उन पर अधिरोपित कर्तव्यों का अनुपालन उक्त तालिका के कालम (2) में तदनुरूपी प्रविष्टि में विनिर्दिष्ट सरकारी स्थानों के संबंध में अपने क्षेत्राधिकार की स्थानीय सीमाओं के अंतर्गत करें।

तालिका

अधिकारियों का पदनाम

सरकारी स्थानों की कोटिया तथा
क्षेत्राधिकार की स्थानीय सीमाएँ

1

2

(क) अपर मंडल रेलवे उनके अपने-अपने क्षेत्राधिकार की प्रबंधक मध्य रेलवे, बम्बई, स्थानीय सीमाओं के अंतर्गत भुमावल, नागपुर, जबलपुर, झांसी और शोलापुर।

(ख) अपर मुख्य इंजीनियर, उनके अपने-अपने क्षेत्राधिकार की मध्य रेलवे, बम्बई, भुमा-वल, नागपुर, जबलपुर, झांसी और शोलापुर मंडल।

1

2

उनके अपने-अपने क्षेत्राधिकार की स्थानीय सीमाओं के अंतर्गत स्थित पूर्वोत्तर सीमा रेलवे के जंक्षन और लम्डिंग।

(ख) मंडल इंजीनियर, पूर्वोत्तर सीमा रेलवे कटिहार, अलीपुर द्वारा जक्षन और लम्डिंग।

(क) अपर मंडल रेलवे प्रबंधक, दक्षिण रेलवे, पालघाट, मैसूर, मुंबई और नियंत्रण में परिसर।

(ख) अपर मंडल रेलवे प्रबंधक (तकनीकी) और अपर मंडल रेलवे प्रबंधक (प्रचालन), दक्षिण रेलवे मद्रास मंडल, मद्रास।

(ग) मंडल रेलवे प्रबंधक और अपर मंडल रेलवे प्रबंधक, तिचिरापल्ली।

अध्यध, कालोनी समिति के रूप में अपर मुख्य यांत्रिक इंजीनियर/सदारी और माल डिव्हा/गोल्डन राक के क्षेत्राधिकार के अंतर्गत पूर्व में मेल्कल्कोड़कोड़ी और दक्षिण से किलकत्ता-डरकोड़ी मोटटैपट्टु और पोनमलाई पट्टी, पश्चिम में पोनमलाई पट्टी और मुख्यनियापुरम, उत्तर में सेन्थनीपुरम और अम्बिकापुरम से परिवहन पोनमलाई में गोल्डन राक रेलवे कालोनी क्षेत्र की छोड़कर उनके क्षेत्राधिकार की स्थानीय सीमाओं के अंतर्गत स्थित दक्षिण रेलवे के प्रशासकीय नियंत्रण में परिसर।

(घ) अपर मुख्य यांत्रिक इंजीनियर, दक्षिण रेलवे, गोल्डन राक।

पूर्व में मेल्कल्कोड़कोड़ी और दक्षिण से किलकत्ता-डरकोड़ी मोटटैपट्टु पोनमलाई पट्टी, पश्चिमी में पोनमलाई पट्टी और मुख्यनियापुरम, उत्तर में सेन्थनीपुरम और अम्बिकापुरम से परिवहन पोनमलाई में गोल्डन राक रेलवे कालोनी क्षेत्र की स्थानीय

1

2

	सीमाओं के अंतर्गत स्थित दक्षिण रेलवे के प्रशासकीय नियंत्रण में परिसर।
4. मंडल रेलवे प्रबन्धक, पश्चिमी रेलवे, राजकोट	उनके क्षेत्राधिकार की स्थानीय सीमाओं के अंतर्गत पश्चिम रेलवे के प्रशासकीय नियंत्रण में परिसर।
5. (क) अपर मंडल रेलवे प्रबन्धक, उत्तर रेलवे इलाहाबाद, फिरोजपुर, जोधपुर, लखनऊ, मुरादाबाद, नयी दिल्ली और बीकानेर।	उनके अपने-अपने क्षेत्राधिकार की स्थानीय सीमाओं के अंतर्गत स्थित उत्तररेलवे के प्रशासकीय नियंत्रण में परिसर।
(ख) अपर मुख्य इंजीनियर, उत्तर रेलवे, इलाहाबाद, लखनऊ और नयी दिल्ली।	उनके अपने-अपने क्षेत्राधिकार की स्थानीय सीमाओं के अंतर्गत स्थित उत्तररेलवे के प्रशासकीय नियंत्रण में परिसर।
(ग) मंडल इंजीनियर, [मंडल इंजीनियर (सामान्य) को छोड़कर] उत्तर रेलवे, इलाहाबाद, फिरोजपुर, जोधपुर, लखनऊ, मुरादाबाद, नयी दिल्ली और बीकानेर।	उनके अपने-अपने क्षेत्राधिकार की स्थानीय सीमाओं के अंतर्गत स्थित उत्तररेलवे के प्रशासकीय नियंत्रण में परिसर।

[फा० सं० ६९/डब्ल्यू२/एल ई० १३]
हिम्मत सिंह, सचिव, रेलवे बोर्ड

MINISTRY OF RAILWAYS

(Railway Board)

New Delhi, the 20th March, 1981

S.O. 1190.—In exercise of the powers conferred by section 3 of the Public Premises (Eviction of Unauthorised Occupants) Act, 1971 (40 of 1971), and in partial modification of the notification of the Government of India in the Ministry of Railways No. S.O. 2645 dat 17th September, 1980 the Central Government hereby appoints the officers mentioned in column (1) of the Table below, being Gazetted Officers of the Government to be estate officers of the purposes of the said Act and further directs that the said officers shall exercise the powers conferred, and perform the duties imposed, on estate officers by or under the said Act within the local limits of their jurisdiction in respect of the public premises specified in the corresponding entry in column (2) of the said Table in addition to the officers appointed under the said notification.

TABLE

Designation of the officers (1)	Categories of public premises and local limits of jurisdiction (2)
1. (a) Additional Divisional Railway Managers, Central Railway, Bombay, Bhusawal, Nagpur, Jabalpur, Jhansi and Sholapur.	Premises under the administrative control of the Central Railway situated within the local limits of their respective jurisdiction.
(b) Additional Chief Engineers, Central Railway, Bombay Bhusawal, Nagpur, Jabalpur, Jhansi and Sholapur Divisions.	Premises under the administrative control of Central Railway situated within the local limits of their respective jurisdiction.
2. (a) Divisional Railway Managers, Northeast Frontier Railway, Katihar, Alipurduar Junction and Lumding.	Premises under the administrative control of the Northeast Frontier Railway situated within the local limits of their respective jurisdiction.
(b) Divisional Engineers, Northeast Frontier Railway, Katihar, Alipurduar Junction and Lumding.	Premises under the administrative control of the Northeast Frontier Railway situated within the local limits of their respective jurisdiction.
3. (a) Additional Divisional Railway Managers, Southern Railway, Palghat, Mysore Madurai, and Trivandrum.	Premises under the administrative control of the Southern Railway situated within the local limits of their respective jurisdiction.
(b) Additional Divisional Railway Manager (Technical) and Additional Divisional Railway Manager Operating Southern Railway Madras Division, Madras.	Premises under the administrative control of the Southern Railway situated within the local limits of their respective jurisdiction.
(c) Divisional Railway Manager and Additional Divisional Railway Manager, Tiruchirappalli.	Premises under the administrative control of the Southern Railway within the local limits of his jurisdiction except Golden Rock Railway colony area at Ponmalai bounded by Ambikapuram and Senthapuram on the north, Subramaniapuram and Ponmalipatti on the west, Kilakalkanderkottai Mottaipatti and Ponmalipatti on the south and Melkalkonderkottai on the east under jurisdiction of Additional Chief Mechanical Engineer/Carriage and

(1)

(2)

(d) Additional Chief Mechanical Engineer, Southern Railway, Golden Rock.

Wagon/Golden Rock, Mechanical workshops, Golden Rock as President, Colony, Committee.

4. Divisional Railway Manager, Western Railway, Rajkot.

Premises under the administrative control of the Southern Railway situated within the local limits of Golden Rock Railway Colony area at Ponmalai bounded by Ambikapuram and Senthaniapuram on the north, Subramaniapuram and Ponmalaipatti on the west, Kila-kalakanderkottai Mottapottu and Ponmalaipatti on the south and Melkalakondenkottai on the east.

5. (a) Additional Divisional Railway Managers, Northern Railway Allahabad, Ferozepur, Jodhpur, Lucknow, Moradabad, New Delhi and Bikaner.

Premises under the administrative control of the Northern Railway situated within the local limits of their respective jurisdiction.

(b) Additional Chief Engineers, Northern Railway, Allahabad, Lucknow and New Delhi.

Premises under the administrative control of the Northern Railway situated within the local limits of their respective jurisdiction.

(c) Divisional Engineers except Divisional Engineers (General), Northern Railway, Allahabad, Ferozepur, Jodhpur, Lucknow, Moradabad, New Delhi, and Bikaner.

Premises under the administrative control of the Northern Railway situated within the local limits of their respective jurisdiction.

[File No. 69/WN/LE/13]

HIMMAT SINGH, Secy., Railway Board

अम मन्त्रालय

नई दिल्ली, 24 मार्च, 1981

का० आ० 1191:—वैयक्तिक क्षति (आपात उपबंध) स्कीम, 1971 के खंड 2 के उपखंड (ग) के उपबंध के अनुसरण में और भारत सरकार के श्रम मंत्रालय की अधिसूचना सं० का० आ० 762 तारीख 13 फरवरी, 1979 का अतिक्रमण करते हुए, केन्द्रीय सरकार रक्षा मंत्रालय के उप-सचिव, श्री टी० के० वोस, को रक्षा मंत्रालय के अधीन नियोजित या नियुक्त भिविलयों की बाबत, उक्त स्कीम के अधीन संदाय करने के लिए दावा अधिकारी के स्पष्ट में नियुक्त करती है।

[सं० एस-19025/1/81-फैक्ट०]

जे० के० जैन, अवर सचिव

MINISTRY OF LABOUR

New Delhi, the 24th March, 1981

S.O. 1191.—In pursuance of the provision of sub-clause (c) of clause 2 of the Personal Injuries (Emergency Provisions) Scheme, 1971, and in supersession of the notification of the Government of India in the Ministry of Labour No. S.O. 762, dated the 13th February 1979, the Central Government hereby appoints Shri T. K. Bose, Deputy Secretary in the Ministry of Defence as Claims Officer to make payments under the said Scheme in respect of the civilians employed or engaged under the Ministry of Defence.

[No. S-19025/1/81-Fac.]

J. K. JAIN, Under Secy.

New Delhi, the 24th March, 1981

S.O. 1192.—In pursuance of section 17 of Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal No. 1, Dhanbad, in the industrial dispute between the employers in relation to the management of Patherdh Colliery of Messrs Bharat Coking Coal Limited, Post Office Patherdh, District Dhanbad and their workmen, which was received by the Central Government on the 13th March, 1981.

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. 1, DHANBAD.

In the matter of a reference under Sect. 10(1)(d) of the Industrial Disputes Act, 1947.

Reference No. 26 of 1978

PARTIES :

Employers in relation to the management of Patherdh Colliery of Messrs Bharat Coking Coal Limited, Post Office Patherdh, Dist. Dhanbad.

AND

Their Workmen

APPEARANCES :

For the Employers—Shri G. Prasad, Advocate.

For the Workman—Shri P. B. Choudhuri, Authorised Representative.

STATE : Bihar

INDUSTRY : Coal

Dhanbad, dated, the 7th March, 1981

AWARD

By Order No. L-20012/45/78-D.III(A) dated the 12th September, 1978, the Central Government being of opinion that an industrial dispute existed between the employers in relation to the management of Patherdh Colliery of M/s. Bharat Coking Coal Ltd., P.O. Patherdh, Dist. Dhanbad and their workmen in respect of the matters specified in the schedule attached to the order, referred the same for adjudication to this Tribunal. The schedule attached to the order reads thus.

"Whether the action of the management of Patherdh Colliery of Messrs Bharat Coking Coal Limited, Post Office Patherdh, District Dhanbad, in dismissing Sarvashri Rashid Ansari, Electrical Helper (working as Electrician), Samsul Mian, Miner/Loader (working as Fitter Helper) and Awadh Mandal, Wagon Loader (working as Lamp Issue Clerk) with effect from the 17th June, 1977, is justified? If not, to what relief are the said workmen entitled?"

2. After notice to the parties they have filed their respective written statements. The employer in addition to its written statement has filed a rejoinder. While the case was pending before this Tribunal out of three workmen concerned in the reference Sri Awadh Mandal and Sri Samsul Mian entered into a settlement with the management as a result where of these two workmen were taken into service in pursuance to the settlement. Accordingly an award was passed in terms of the settlement by my predecessor on 12-5-1979.

3. The case of the management as made out in its pleadings is as follows. On 18-8-76 at 4.30 P.M. one of the three concerned workmen, namely, Awadh Mandal who was working as Lamp Issue Clerk on that day threatened Sri S.R.K. Rao, Welfare Officer of the colliery using abusive words mentioned in the chargesheet Ext. M-1. The said Awadh Mandal alongwith two other concerned workmen, namely, Rasid Ansari and Samuil Mian entered into a criminal conspiracy to wrongfully confine and illegally gheraoed Gherao Sri S.R.K. Rao, Welfare Officer of the colliery, in pursuance to the conspiracy on 19-8-76 at 11 A.M. all the three concerned workmen entered into the room of Sri S.R.K. Rao. The workman Awadh Mandal belt-ed the door of the room from inside and all the three concerned workmen wrongfully confined and illegally gheraoed the welfare officer from 11 A.M. to 11-30 A.M. During this period of confinement the three concerned workmen threatened Sri Rao. As the aforesaid acts on the part of the concerned workmen amounted to misconduct as mentioned in Paragraph 171(1) (e), (f) and (g) of the Model Standing Order, the concerned workmen were charge sheeted under Ext. M-1. In reply to the chargesheet the concerned workmen said that the allegations in Ext. M-1 were false and fabricated, that Awadh Mandal did not belt the door from inside, that none of the concerned workmen acted in disorderly manner, that the management being actuated by motive had issued the chargesheet on false allegation to victimise the concerned workmen for their trade union activities, and that the falsity of the charge could be easily seen from the conduct of Sri S.R.K. Rao keeping quiet over the incident alleged to have taken place on 18-8-76 and 19-8-76 without informing the police and without cautioning the guard who was near at hand. The said reply not having been found to be satisfactory the management initiated a domestic enquiry in which several witnesses for the management as well as for the concerned workmen were examined. The Enquiry Officer after carefully shifting the evidence led by the parties before him came to the conclusion that charges of insubordination, disorderly and indecent behaviour and of threatening a superior were established. Upon this conclusion the Enquiry Officer recommended a punishment for dismissal for all the workmen. The management having accepted the findings as well as the recommendation of the Enquiry Officer passed the innuendged order of dismissal Ext. M-10 dated 16-7-77 dismissing the concerned workmen from service. The domestic enquiry being fair and proper and principles of national justice not having been violated therein and the finding arrived at by the Enquiry Officer not being perverse the order of dismissal passed by the management on the basis of the findings in the domestic enquiry must be held to be justified and cannot be interfered with.

The case of the concerned workman is substantially the same as has been mentioned in their reply Ext. M-2. Besides stating what had been in Ext. M-2 a plea has been taken that the domestic enquiry held by the management is not fair and proper.

4. As has been stated earlier after the settlement arrived at between the management and two of the concerned workmen, namely, Awadh Mandal and Samuil Mian and after an award having been passed in terms of the settlement the present reference only deals with the workman Rasid Ansari.

5. As the concerned workman had challenged the fairness of the domestic enquiry the question as to whether the domestic enquiry was fair and proper was taken up as a preliminary issue with the consent of parties. At the time of hearing on the preliminary issue the management examined the Enquiry Officer as MW-1. The Tribunal after hearing the parties by its order dated 3-5-1980 held the domestic enquiry to be fair and proper in all respects.

6. While hearing the case on merit no other witness has been examined by the management and the evidence of the Enquiry Officer already recorded at the time of hearing on the preliminary issue together with the documents relied upon by the management in domestic enquiry and the evidence led by the parties in the said enquiry has been relied upon by the management in support of its case.

On behalf of the concerned workman the workman has only been examined. Beside this oral evidence reliance has been placed by the workman on a letter Ext. W-1 showing that he was taking interest in trade union activities. Ext. W-2 the certified copy of the judgement of the criminal court

in a criminal case instituted against all the three workmen on the same allegations on which chargesheet Ext. M-1 was tried by the management showing that the three concerned workmen were acquitted of the charge under Secs. 448 and 323 T.P.C. on compromise and on merit of the charge under Sec. 186 and Ext. W-3 to W-6 certificate copies of the depositions of the witnesses for the prosecution in the aforesaid criminal case.

7. Before the Enquiry Officer as has been stated above management examined three witnesses. Of them Deo Kumar Singh, Attendance Clerk is MW-1. He only deposes that on 19-8-76 when the workman Awadh Mandal came to join duty he was marked present. After getting himself marked present Awadh Mandal did not join duty. So when the manager asked the witness as to how he marked Awadh Mandal present the witness replied that when Awadh Mandal came to join his duty he (witness) had no other alternative but to mark him present. According to the witness when Awadh Mandal was not found to be on duty being asked by the manager he (witness) cancelled the attendance of Awadh Mandal. The witness further says that Awadh Mandal was found sitting near the union's office at about 10 A.M. On seeing Awadh Mandal when the witness informed him (Awadh Mandal) that his attendance had been cancelled Awadh Mandal replied "CAT GAYA HAI NA THIK KIA HAI". This evidence does not implicate the concerned workman. The deposition of this witness further reveals that the attendance register was produced in the enquiry and was marked Ext. M-5. It is further seen from the papers relating to the enquiry that all the three concerned workmen inspected the attendance register. The next witness for the management before the enquiry is Bharat Bouri, Peon, MW-2. This witness deposes that on 19-8-76 at 11 A.M. he was on duty in the personal section of Patherdih colliery. According to him at that time all the three concerned workmen entered into the personal office and after entering the office they started making noise. The witness then says that sometime after making noise the three concerned workmen closed the door of the office room from inside. The witness who was looking through an window into the office room saw that the three concerned workmen were making demand for payment. The witness heard Shri S. R. K. Rao saying that he would arrange payment after discussing with Baba Babu. According to the witness when Sri Rao wanted to come out of the office after opening the door workman Awadh Mandal told him that he would not allow Sri Rao to come out. The witness saw workmen Rasid Ansari, and Awadh Mandal sitting inside the office room. In cross-examination it has been elicited from the witness that the concerned workmen were talking in a hot mood and were insisting that Sri Rao should arrange for making payment. It appears from the evidence of this witness that he implicated all the three concerned workmen substantially in respect of all the allegations of insubordination, disorderly behaviour and wrongful confinement. Coming to the last witness Sri S.R.K. Rao, MW-3 examined in the enquiry it appears that he substantially corroborates all the allegations made against the concerned workmen in the chargesheet Ext. M-1. Thus as per the evidence of Sri Rao he implicates all the concerned workmen equally. Nothing has been elicited in cross-examination from these three witnesses examined for the management to dis-credit them. On behalf of the workmen besides themselves they have examined three more witnesses namely, Madan Roy, WW-1, Sri Lakshman Rao, WW-2 and Rama Paswan WW-3. The evidence of WW-1 does not throw any light on the incident in question either on 18-8-76 or on 19-8-76. WW-2 Lakshman Saw only says that charge levelled against Awadh Mandal is false and that he was on duty on 19-8-76 from 8 A.M. to 3 P.M. As has been stated above the reference now is concerned with the case of workman Rasid Ansari. Therefore the evidence of WW-2 Lakshman Rao can be of no assistance so far as the case against Rasid Ansari is concerned. WW-3 Ram Paswan also speaks that Awadh Mandal was on duty on 19-8-76. Therefore his evidence is of no avail to Rasid Ansari. The enquiry officer after close scrutiny of the evidence led by the parties before him has accepted the story as given by management's witnesses. He has given reasons why he prefers the evidence of the management's witnesses to the evidence led by the concerned workmen. The findings arrived at by the Enquiry Officer are supported by cogent reason and are also based on evidence. I do not see any reason to differ from the conclusion arrived at by the Enquiry Officer regarding the guilt of the concerned

workman Rasid Ansari. Therefore factually I held that Rasid Ansari is guilty of the misconduct for which he was charged under Ext. M-1. I may, however add here that the enquiry officer has not found the charge of criminal conspiracy against the concerned workmen established. This of course does not affect the merit of the case. The Enquiry Officer has found the concerned workmen guilty of insubordination, dis-orderly and indecent behaviour and wrongful confinement. I have already observed that I accept the findings of the Enquiry Officer and so I held them guilty of insubordination, dis-orderly and indecent behaviour and wrongful confinement.

8. A point, however, has been raised by Sri P. B. Choudhury for the workman that the colliery in question has its own Standing Orders, a copy of which has been filed before the Tribunal. The chargesheet Ext. M-1 however shows that the three concerned workmen were charged under Paragraph 17(1)(c), (e), (r) and (q) of the Model Standing Orders. It is, therefore, contended by Sri Choudhury that when the colliery in question has its own standing Orders the management could not have charged the concerned workman for misconduct under Model Standing Orders. This according to Mr. Choudhury vitiates the charge and consequently on the findings arrived at by the Enquiry Officer on the "charge" framed under Model Standing Orders the concerned workmen could not be dismissed. This point was raised by Sri Choudhury when the case was argued on preliminary issue. In my order dated 3-5-1980 I have negatived the point raised by Sri Choudhury by observing as follows:

"On the question whether the relevant provisions of the certified Standing Orders not having been quoted in the chargesheet the workmen have been prejudiced, I must say that the point raised is of no importance at all. The allegations against the workmen have been described in detail in the chargesheet. The workmen thus had full knowledge of the case made against them and so they could not be prejudiced. A reference in this connection may be made to the decision reported in 4 SCJ, 2686 (Management of Delhi Transport Undertaking Vs. Industrial Tribunal, Delhi). It has been held in that case that the charge cannot be amplified by the inclusion of a reference to the Standing Orders and that where the facts given in the allegations are quite sufficient to put the concerned workman on defence the omission to mention the appropriate Standing Orders in the charge does not amount to making the charge defective in the eye of law. As I have already mentioned sufficient details have been given in the chargesheet to put the workman concerned to notice about the case they have to meet. True the correct paragraphs of the certified Standing Orders have not been mentioned in the Charge-sheet and in their place certain paragraphs of the Model Standing Orders have been mentioned. That would not make the charge defective inasmuch as the allegations mentioned in the chargesheet against the workmen constitute misconduct under the certified Standing Orders a copy of which has been filed by the workmen."

When Sri Choudhury has argued the same point once again at the time of hearing of the case I have to reiterate my view which I have already expressed as indicated above and hold that the point has no substance. I have examined certified Standing Orders which have been filed by the workmen. Paragraph 29(1)(5) and (19) of the certified Standing Orders deal with same type of misconduct as mentioned in paragraph 17(1)(c), (e), (r), (q) of the Model Standing Orders. The Enquiry Officer has found that the allegations in the chargesheet have been established against the concerned workmen.

I have also accepted the said findings for reasons given above. Consequently it follows that the concerned workman has been found to be guilty of misconduct as mentioned in paragraph 29(1)(5) and (19) of the certified Standing Orders. The punishment provided for the misconduct which has been found in the case in the certified Standing Orders is one of dismissal which is also the same as provided in Model Standing Orders. Therefore merely because wrong provision of Model Standing Orders not applicable to the case were quoted in the chargesheet Ext. M-1 that would not affect the merit of the case at all.

9. The next point which is urged by Sri Choudhury is that the certified Standing Orders while describing various types of misconduct does not mention wilful insubordination as one of the misconducts. Therefore it is argued by Sri

Choudhury that wilful insubordination not being a misconduct in the certified Standing Orders a finding to the effect that the concerned workman is guilty of wilful insubordination would not entail an order of dismissal from service. This contention of Sri Choudhury has also no force. It has been held in 15 SCJ, 262 (Mahendra Singh Dhantwal Vs. Hindustan Motors Ltd.) that list of misconduct mentioned in the Standing Orders is not exhaustive but is merely illustrative. Therefore merely because wilful insubordination is not found in the list of misconduct as given in paragraph 29 of the certified Standing Orders it can not be said that wilful insubordination is not a misconduct. Paragraph 29 of the Standing Orders reads thus.

"An employee may be suspended, fined or dismissed without notice or any compensation in lieu of notice if he is found to be guilty of misconduct..... The following shall denote 'misconduct'.

The aforesaid provision clearly shows that services of an employee is liable to be terminated if he is found to be guilty of misconduct. While illustrating what is misconduct in sub-paras 1 to 20 several types of misconducts have been enumerated. This does not mean that the only type of misconduct for which an employee can be dismissed from service is as enumerated in sub-paras 1 to 20 of Para 29 of the certified Standing Orders. The very language used in para 29 does not say so. Therefore, wilful insubordination in the present case must be held to be a misconduct. For this misconduct the concerned workman has been found guilty. It is open to the management to inflict a punishment of dismissal on the concerned workman since he has been found guilty of a misconduct of wilful insubordination.

10. The third point urged by Sri Choudhury is that the criminal case instituted against the concerned workman in respect of the same charge which was framed against the concerned workman in the present dispute having ended in acquittal the finding of the domestic enquiry regarding the guilt of the same workman cannot be said to be justified. I am afraid such a contention cannot be accepted. A perusal of the judgement in the criminal case shows that the three concerned workmen were acquitted under sections 448 and 323 I.P.C. which relate to the allegations regarding insubordination, disorderly and indecent behaviour and illegal confinement mentioned in chargesheet Ext. M-1. There having been a compromise in respect of offences under sections 448 and 323 I.P.C. accused persons were acquitted. The other charge, namely, the charge under Sec. 186 I.P.C. does not relate to the allegations made in the chargesheet Ext. M-1. So far as this charge is concerned the judgement of the criminal court reveals that the three concerned workmen have been acquitted on merit. Acquittal as a result of compromise therefore could have no effect on the merit of the present case and on that account the finding of the domestic enquiry cannot be held to be unjustified.

11. On the question of victimisation Mr. Choudhury refers to me the letter Ext. W-1 which shows that the concerned workman is a trade unionist. There is no evidence that on account of the fact that the concerned workman was a trade unionist the management bore a grudge against him which resulted in feigning a false case against the workman. The mere fact that the concerned workman was a trade unionist cannot lead to a conclusion that he has been victimised.

12 Coming to the question of punishment which has been inflicted on the concerned workman Rasid Ansari I may say that the punishment is not proportionate to the misconduct alleged to have been committed by the workman. It may be noticed that originally for the same misconduct three workmen including Rasid Ansari were chargesheeted. All of them in a joint reply refuted the allegations in Ext. M-1. That reply not having been found to be satisfactory the management held a domestic enquiry in which the Enquiry Officer found all the three concerned workmen guilty of wilful insubordination, dis-orderly behaviour etc. This finding having been accepted by the management it inflicted punishment of dismissal from service against all the three concerned workmen. Out of these three workmen as has been observed above two entered into compromise with the management as a result whereof they were reinstated in service without back wages. The evidence led by the management in the domestic enquiry against Rasid Ansari is very slight.

MW-1 Deo Kumar Singh does not say anything regarding Rasid Ansari. MW-2 Bharat Bouri implicates Rasid Ansari alongwith two other workmen. This witness does not say about any specific role played by Rasid Ansari. So far as MW-3 the Welfare Officer is concerned he implicates all the three concerned workmen. But a reading of his evidence shows that he also does not attribute any specific role to Rasid Ansari. In the criminal court the management compromised with all the three concerned workmen in respect of charges under Sec. 448 and 323 I.P.C. which relates to the allegations mentioned in the chargesheet Ext. M-1. That being the position when the two other workmen have been reinstated without back wages in my opinion ends of justice will be met by inflicting the same punishment on Rasid Ansari. Therefore while holding Rasid Ansari guilty of misconduct on the basis of the findings arrived at by the Enquiry Officer, I am of the view that a reduction in the punishment inflicted by the management upon Rasid Ansari to make it proportionate to the guilt will meet the ends of justice keeping in view the manner in which the two other workmen have been dealt with. So I hold that Rasid Ansari is entitled to be reinstated in service without back wages. Loss of back wages will be sufficient punishment for Rasid Ansari who has been found guilty of misconduct of wilful insubordination, disorderly and indecent behaviour and wrongful confinement. Sri Rasid Ansari is to report for duty within a month from the date when this award becomes effective. In the peculiar circumstances of the case parties shall bear their own cost. The reference is answered accordingly.

Sd/
B. K. RAY, Presiding Officer
[No. L-20012/45/73-D.III-A]

New Delhi, the 26th March, 1981

S.O. 1193.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal No. 1, Dhanbad, in the industrial dispute between the employers in relation to the management of North Tisra Colliery of Messrs Bharat Coking Coal Limited, Post Office Khas Jeenagora, District Dhanbad and their workmen, which was received by the Central Government on the 16th March, 1981.

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. 1, DHANBAD.

In the matter of a reference under Sec. 10(1)(d) of the
Industrial Disputes Act, 1947.

Reference No. 77 of 1977

PARTIES :

Employers in relation to the management of North Tisra Colliery of M/s. Bharat Coking Coal Ltd.
P. O. Khas Jeenagora, Dist. Dhanbad

AND

Their Workmen.

PRESENT :

Mr. Justice B. K. Ray (Retd.)—Presiding Officer.

APPARANCES :

For the Employers.—Shri B. Joshi, Advocate.

For the Workman.—Shri S. Bose, Secretary, Rashtriya Colliery Mazdoor Sangh, Dhanbad.

State : Bihar.

Industry : Coal.

Dhanbad, dated the 9th March, 1981

AWARD

By Order No. L-20012/33/77-D.III(A) dated the 12th July 1977 the Central Government being of opinion that an industrial dispute existed between the employers in relation to the management of North Tisra Colliery of

M/s. Bharat Coking Coal Limited, P.O. Khas Jeenagora, District Dhanbad and their workmen in respect of the matters specified in the schedule attached to the order, referred the same for adjudication to this Tribunal. The schedule to the order reads thus,

"Whether the action of the management of North Tisra Colliery of Messrs Bharat Coking Coal Limited, Post Office Khas Jeenagora, District Dhanbad, in dismissing Shri Ram Krishna Mallah, Soft Coke Quencher Mazdoor of P. G. Section from service with effect from the 8th June, 1976 is justified? If not, to what relief is the said workman entitled?"

2. After notice to the parties they have filed their respective written statements and rejoinders.

3. The case of the management as revealed in its pleading is as follows. On 29-3-76 both the Asstt. Manager Sri S. Lal and the concerned workmen were on duty in the colliery in the 1st shift. At the soft coke manufacturing site the Asstt. Manager found that soft coke bhatta had not been properly quenched with water by the concerned workman. The Asstt. Manager, therefore, finding fire inside the Bhatta questioned the concerned workman about his negligence, as it was his duty to quench the fire in the Bhatta completely. When the Asstt. Manager demanded an explanation from the concerned workman he was found in a drunken condition. Instead of giving an explanation for negligence of duty the concerned workman abused Sri Lal and thereafter assaulted him with hand and shoes. The Asstt. Manager being pushed in course of assault fell down on the ground. Even thereafter he was assaulted by the concerned workman. This happened at about 9-30 A.M. After the incident both the concerned workman and the Asstt. Manager were examined by the colliery doctor who gave two different certificates one for the Asstt. Manager Ext. M-4 and the other for the concerned workman Ext. M-5. In the afternoon on the date of occurrence after the concerned workman got back his sense from drunken condition he approached Sri S. N. Singh, Personnel Officer in the colliery office and begged excuse for what he had done to the Asstt. Manager. Under the instruction of the concerned workman a clerk in the office, namely, Madan Babu wrote a letter of apology for the concerned workman who thereafter made an endorsement in his own hand on the letter admitting his guilt, begging excuse for the same and undertaking not to repeat such incident in future. This letter is Ext. M-6. The letter of apology was not accepted by the management. The same day management chargedsheeted the concerned workman narrating the entire incident which occurred in the morning in the chargesheet Ext. M-2. In the chargesheet the concerned workman was asked to give an explanation as to why he should not be held guilty of misconduct and be punished. In response to the chargesheet Ext. M-2 the concerned workman submitted a reply Ext. M-7 on 31-3-76 in which he completely denied the occurrence and took a plea that the colliery was governed by a certified Standing Orders and not by a Model Standing Orders as mentioned in the chargesheet and that the charge framed was vague. The reply submitted by the concerned workman not being found satisfactory by the management a domestic enquiry was held into the allegations in the chargesheet Ext. M-2. In the domestic enquiry on behalf of the management three witnesses were examined, namely Asstt. Manager Sri S. S. Lal who was assaulted, Sri Rameswar Sharma, Slip Issue Clerk in the colliery and Dr. Rajendra Prasad who on examination of the Asstt. Manager and the concerned workman had granted certificates Ext. M-4 and M-5. On behalf of the workman some witnesses including the concerned workman were examined. The Enquiry Officer on assessment of evidence led by the parties returned a finding of guilt against the concerned workman and recommended a punishment of dismissal for him. The report of the Enquiry is Ext. M-14 and papers relating to the enquiry are Ext. M-10. The findings and recommendation of the Enquiry Officer having been accepted by the management it dismissed the concerned workman from service by letter dated 5-4-1976 Ext. M-20. The domestic enquiry held into the allegations in the chargesheet being fair and proper in all respects and the findings in the enquiry arrived at by the Enquiry

Officer being supported by reasons and being passed on evidence and records the order of dismissal is justified.

The case of the union is that the allegations in the chargesheet Ext. M-2 are all false. The concerned workman was never examined by the colliery doctor and the certificate granted by the Doctor relating to his examination is a fabricated one. Regarding Ext. M-6 the letter of apology the case of the union is that the concerned workman is an illiterate person and does not know to sign his name. It is on account of this in course of the domestic enquiry in the papers relating to the enquiry he had to put his thumb marks instead of signatures. Ext. M-6 the letter of apology was never written under the instruction of the concerned workman. He never made any endorsement on it nor he signed the same as alleged. The said letter was written under the instruction of the Personnel Officer Sri S. N. Singh by a clerk of the colliery office, namely, Madan Babu. After the letter was written as directed by Sri S. N. Singh, Madan Babu caught hold of the hand of the concerned workman, forced a pen into his hand and wrote something on Ext. M-6 by holding the hand of the workman. It is this writing which is alleged by the management to be an endorsement in the hand of the concerned workman under his signature. The further case of the union is that the domestic enquiry held by the management into the allegations in the chargesheet was not fair and proper and so the order of dismissal Ext. M-20 passed by the management on the basis of the findings of the Enquiry Officer in his report Ext. M-14 cannot be sustained in law.

3. As fairness of the domestic enquiry was challenged by the union with the consent of parties the question of fairness of the domestic enquiry was held and decided against the union by order dated 18-8-1980.

4. At the time of hearing of the case before the Tribunal the management has examined three witnesses, namely, Enquiry Officer MW-1, Sri A. K. Patnaik, Area Manager Technical in Area No. 10 who says that at the relevant time he was authorised to act as General Manager and that under that authority he passed the impugned order of dismissal against the concerned workman Ext. M-20 and Sri S. Singh in whose presence, according to the case of the management, the letter of apology Ext. M-6 was written by Madan Babu under the instruction of the concerned workman and signed by him. On behalf of the union the concerned workman has been examined as WW-1. Besides the aforesaid oral evidence led before the Tribunal parties have relied upon the report of the Enquiry Officer Ext. M-14 and the papers relating to the enquiry, namely, Ext. M-10.

5. It is admitted before me that the colliery in question at the relevant time had no certified Standing Orders of its own and was being governed by the Model Standing Orders. The chargesheet Ext. M-2 shows that the concerned workman has been charged for misconduct as per Model Standing Orders under Clause 18(r) and (e). Sub-clause (r) describes misconduct of threatening, abusing or assaulting any superior and sub-clause (e) describes misconduct of drunkenness, fighting or riotous, disorderly or indecent behaviour at the working place. In view of the admission before me that the Model Standing Orders apply to the colliery in question the stand taken by the concerned workman in his reply Ext. M-7 that Model Standing Orders does not apply, fails. I have gone through the chargesheet Ext. M-7 and I find that the allegations which the concerned workman has been asked to meet in the chargesheet have been clearly stated and there has been no vagueness. In this view, therefore, I hold that the case of the union that the allegations in the chargesheet are vague has to be dismissed. Coming to the question of fairness of the domestic enquiry raised by the union the same has been decided in favour of the management by order dated 18-8-1980 after hearing the parties on their consent as a preliminary issue. Therefore the position as it stands now is that the domestic enquiry held in the case is fair and proper.

6. Coming to the merit of the case as has been noticed earlier the management relies upon the evidence of three witnesses examined in the domestic enquiry and on the evidence of three witnesses examined before the Tribunal,

besides the documents produced in the enquiry and the documents produced by the management at the time of hearing before the Tribunal. On the side of the union it rests upon the evidence of the two witnesses examined in the domestic enquiry and the evidence of the concerned workman examined before the Tribunal. Sri S. Bose for the union after examination of MW-2 before the Tribunal who has spoken about Mr. Bose's authority to sign the impugned order of dismissal does not challenge the validity of the order of dismissal on the ground that the officer passing the order had no authority to do so. The main contention of Mr. Bose is that Ext. M-6, the alleged letter of apology under the alleged signature of the concerned workman and Ext. M-3 the D.L.s certificate granted to the concerned workman saying that he was in a drunken stage at the time of his examination by the Doctor are fabricated documents created by the management for the purpose of praying a false case against the concerned workman. I shall now take up Ext. M-6. It purports to be a letter addressed to the manager of the colliery in which the concerned workman is said to have admitted his guilt and to have begged apology. The letter is dated 29-5-76. This letter as appears from the report of the Enquiry Officer Ext. M-14 has been relied upon by him in support of his findings against the concerned workman. According to Mr. Bose if this letter is taken out of consideration being a fabricated one the main stand of the management will fall to the ground. As a result thereof the finding of guilty returned by the Enquiry Officer against the concerned workman will not stand. In support of this contention Mr. Bose points out to me the evidence of the concerned workman before the Tribunal in which the concerned workman has asserted that he is an illiterate person and does not know to read and write. The workman further asserts in his evidence that he did not make any endorsement in Ext. M-6 nor he signed it as alleged. Mr. Bose also invites my attention to the evidence of the concerned workman recorded in the enquiry in which the concerned workman has said that on the alleged date of occurrence he was taken to the office of the personnel officer Shri S. Singh where he was made to stand that the personnel Officer directed a clerk in the office Shri Madan Babu to write a letter of apology for the concerned workman that in pursuance to the direction so given Madan Babu wrote Ext. M-6 and that under his direction of the Personnel Officer Madan Babu put a pen into the hand of the concerned workman, caught hold of his hand and wrote something in Ext. M-6. It is this writing which Mr. Bose says is claimed to be the endorsement and signature of the concerned workman in Ext. M-6. In view of the evidence of the concerned workman according to Mr. Bose it cannot be said that Ext. M-6 is a letter of apology of the concerned workman and that he signed it voluntarily. In support of this contention Mr. Bose points out to me the relevant papers relating to the domestic enquiry where thumb impressions of the concerned workman have been taken. It is contended by Mr. Bose if really the concerned workman was literate as claimed by the management the Enquiry Officer would not have been satisfied by taking thumb marks of the concerned workman in the enquiry papers and would have insisted upon his signature. Mr. Bose in this connection points out to me the evidence of Sri S. Singh MW-3 under whose orders and dictation Ext. M-6 is alleged to have been fabricated by the management. According to MW-3 the concerned workman sometime signs and sometime puts his thumb mark. Mr. Bose, therefore, argues that if really what is said by the witness is true the management should have produced some papers from its office to show that the concerned workman did sign at several places. Non-production of such papers by the management on the other hand according to Mr. Bose would go to show that the story built by the management relating to Ext. M-6 is a complete myth and that Ext. M-6 is a fabricated document. It is further urged that according to evidence of the management, personnel officer put Ext. M-6 before the manager who did not accept it and issued a chargesheet. The evidence of the personnel officer also discloses that the manager ordered Ext. M-6 to be placed before the enquiry officer. It is contended by Mr. Bose that if the above evidence is true then one would find the signature of the manager on Ext. M-6 and also some endorsement under his hand. Curiously Ext. M-6 does not bear the signature of the manager nor it contains any endorsement in his hand. So Mr. Bose says that Ext. M-6 has been manufactured by the management to support a false case against the concerned workman. These contentions of Mr. Bose appears to be weighty. On the other hand, however, it is argued on behalf of the management that if really as claimed by the union Ext. M-6 was taken

from the concerned workman by exercising pressure on him as disclosed in the evidence of the concerned workman in the enquiry one would normally expect this plea in the reply Ext. M-7 dated 31-3-76 by the concerned workman to the chargesheet Ext. M-2. As against this contention it is urged for the union that the concerned workman being an illiterate person and not having any legal advice could not realise the importance of omission of his case regarding Ext. M-6 in the reply. For such an omission therefore the workman cannot be punished if really as a matter of fact it is found that the concerned workman is an illiterate person and Ext. M-6 does not bear his signature. Regarding Ext. M-5 the medical certificate showing that the concerned workman was in a drunken state at the relevant time it is argued by Mr. Bose that comparing Ext. M-5 with Ext. M-4 the certificate granted in favour of the Asstt. Manager showing injury in his person one finds that Ext. M-4 bears a serial number whereas Ext. M-5 has no serial number. It is further contended that when Ext. M-4 and M-5 were granted by the doctor within an interval of 5 minutes there is no reason why one of them will bear a serial number while the other one will have no serial number. It is then argued that those two documents show that they are carbon copies of the originals. The carbon papers used in preparing those copies go to show that one is blue and the other is black. It is, therefore, urged that if these two documents were simultaneously prepared by the same doctor at the same place there is no reason why two different carbons will be used in preparing the copies. As against these contentions of the union the management's reply is that whom the doctor was examined in the enquiry he should have been asked regarding the omission of a serial number in Ext. M-5 and regarding the different carbon papers used in preparing Ext. M-4 and M-5. According to Mr. Joshi for the management the doctor should have been the best person to answer these questions. Not having put those questions to the doctor whom he was examined in course of the enquiry it is too late for the union now to challenge the authenticity of Ext. M-5 on the grounds as stated above. That apart Mr. Joshi points out to me the evidence of MW-2 Sri A. K. Patnaik who has given an explanation as to under what circumstance Ext. M-5 does not bear a serial number. According to his explanation when no medicine is prescribed under a prescription such a prescription does not bear a serial number. It is only when some medicine is prescribed under a prescription (certificate) such a document bears a serial number. That is why according to the witness Ext. M-4 bears serial number. As no medicines or treatments have been prescribed in Ext. M-5 according to the witness it does not bear a serial number. Whether this explanation can be accepted or not is another question but it must be said that there is an explanation by the management for the omission of serial number in Ext. M-5 which cannot be thrown away straight. Coming to the actual evidence led by the management in the enquiry it is seen that there are two witnesses to the incident of assault, namely, the Asstt. Manager and one Sri Rameswar Sharma, Slip Issue Clerk. The Asstt. Manager has vividly described the incident of assault on him, how it began and how it ended. According to the Asstt. Manager he sustained some injuries in course of the assault. Ext. M-4 medical certificate granted to the Asstt. Manager on his examination shortly after the incident shows the marks of injury on the person of the Asstt. Manager. Ext. M-4, therefore, can be taken to be a corroborative piece of evidence to the evidence of the Asstt. Manager. Authenticity of this document is not challenged by the union. Further the oral testimony of the Asstt. Manager is fully corroborated by the evidence of Sri Rameswar Sharma, Slip Issue Clerk. There is no reason why this witness would come forward to support a false story for the Asstt. Manager if really as a matter of fact there was no assault on him. The report of the Enquiry shows that the enquiry officer has mainly relied upon the testimony of the Asstt. Manager and of Rameswar Sharma for his findings against the concerned workman. Ext. M-5 has been taken as corroborative piece of evidence in support of the oral evidence led by the management. It is only in the last portion of the report the Enquiry Officer has referred to Ext. M-6 the letter of apology alleged to be under the signature of the concerned workman. So far as this document is concerned he does not rely upon it mainly in support of his findings. He mainly refers to this document for the purpose of showing that the story told by the two witnesses for the management regarding assault is admitted by the concerned workman in Ext. M-6. Therefore even if Ext. M-6 would not have been there before the Enquiry Officer I have no hesitation in my mind that he would have come

to the same conclusion in which he has arrived in his report regarding the guilt of the concerned workman. I have myself scrutinised the evidence of the two witnesses examined by the management before the domestic enquiry. I have also examined the evidence of the doctor examined in the enquiry and have looked to the certificate granted by him in favour of the Asstt. Manager. There appears to be a ring up truth in the evidence of Asstt. Manager and of Rameswar Sharma, Slip Issue Clerk. This evidence as I have already indicated above finds support from Ext. M-4. Therefore even excluding Ext. M-6 the letter of apology and Ext. M-4 the doctor's certificates from consideration on the ground that they are not genuine documents as claimed by the union still then I am of the view that the case of the management against the concerned workman has been amply proved. It is therefore not necessary to give any positive finding regarding genuineness of Exts. M-5 and M-6. There is no dispute that the conduct of the concerned workman in abusing and assaulting the Asstt. Manager at the place of duty amounts to mis-conduct on his part as per the provisions of the Model Standing Orders mentioned in Ext. M-2. It may, however, be said that if Ext. M-5 is taken out of consideration on the ground that a case of drunkenness has not been made out by the management still then under clause 18(c) of model standing orders the manner in which the concerned workman behaved with the Asstt. Manager will amount to riotous, disorderly and indecent behaviour at the working place. Admittedly the Asstt. Manager is an officer superior to the concerned workman. Once it is held that the concerned workman behaved with the Asstt. Manager in the manner in which it is alleged in the chargesheet and assaulted him it must be held that the concerned workman is guilty of gross misconduct for which a punishment of dismissal from service is justified. I have held that the case against the concerned workman has been proved and he has been rightly held to be guilty of misconduct under clause 18(r) and (o) of the Model Standing Orders. That being so the punishment of dismissal inflicted against him is justified and does not call for an interference. The reference is answered accordingly. There will be no order for costs.

B. K. RAY, Presiding Officer
[No. L-20012/45/78-D.III(A)]

S.O. 1194.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal No. 1, Dhanbad, in the industrial dispute between the employers in relation to the management of Bhowra (South) Colliery of Messrs Bharat Coking Coal Limited, Post Office Bhowra, District Dhanbad and their workmen, which was received by the Central Government on the 16th March, 1981.

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. 1, DHANBAD

In the matter of a reference under Sec. 10(1)(d) of the Industrial Disputes Act, 1947

Reference No. 34 of 1978

PARTIES :

Employers in relation to the management of Bhowra (South) Colliery of Messrs Bharat Coking Coal Limited, Post Office Bhowra, District Dhanbad.

AND

Their Workmen

APPEARANCES :

For the Employers.—Shri G. Prasad, Advocate.

For the Workmen.—Shri S. Bose, Secretary, Rashtriya Colliery Mazdoor Sangh.

STATE : Bihar

INDUSTRY : Coal

Dhanbad, the 11th March, 1981

AWARD

By Order No. L-20012/37/78-D III(A) dated the 22nd September, 1978, the Central Government being of opinion that an industrial dispute existed between the employers

in relation to the management of Bhowra (South) Colliery of Messrs Bharat Coking & Coke Ltd., P.O. Bhowra, Distt. Dhanbad and their workmen in respect of the matters specified in the schedule attached to the order of reference, referred the same to this Tribunal for adjudication. The schedule to the reference reads thus.

"Whether the action of the management of Bhowra (South) Colliery of Messrs Bharat Coking Coal Limited, Post Office Bhowra, District Dhanbad, in dismissing Shri Sunil Dusadhi, F. R. Mazdoor from service with effect from the 8th October, 1976, is justified? If not, to what relief is the said workman entitled?"

2. After notice to the parties they have filed their respective written statements. The written statement filed by the union is a written statement-cum-rejoinder.

3. The case of the management as revealed from the pleading may be briefly stated thus. The concerned workman is an employee in Bhowra (South) Colliery under M/s. Bharat Coking Coal Limited. On 6-7-76 at 12 noon the concerned workman alongwith three non-workmen came to Mohulbani colony where quarters for the workers in the colliery stood and where repairs of these quarters were being done by one contractor Sovinarayan Singh under supervision of Parameswar Pandey, munshi. Sri Pandey was at that time working as Dhowrah Clerk. The concerned workman without any reason started abusing in filthy language to Sri Sovinarayan Singh, Contractor, Sri Parameswar Pandey, Dhowrah Clerk, the manager and other officers of the colliery. The concerned workman while so abusing alongwith his other associates damaged asbestos cement sheets lying at the place and started brick batting the contractor and his workers. Ultimately the concerned workman took away one pick, one spade and few rolls from the work side. For these acts the workman was charged for misconduct under clause 27(5), 27(9) and 27(20) of the certified Standing Orders applicable to the colliery under chargesheet Ext. M-1 dated 7-7-76. By the chargesheet the workman being called upon to submit a reply, the latter submitted his reply on 9-9-76 Ext. M-2. In the reply the stand taken by the concerned workman was that the charges levelled against him were false and baseless, that on 6-7-76 between 11 A.M to 1 P.M. he was at 27 incline although he was not engaged in the 1st shift, that on 6-7-76 he neither abused Parameswar Pandey nor Sovinarayan Singh nor any other officer of the company, and that he did not steal any material from the site. The reply not being found to be satisfactory by the management it started a domestic enquiry into the allegations in the chargesheet. In that enquiry the management examined as many as seven witness and the concerned workman four including himself. On consideration of the oral evidence led by the parties in the enquiry and of other documentary evidence the Enquiry Officer found the concerned guilty of the charges and recommended his dismissal. The domestic enquiry was fair and proper in all respects and principles of natural justice were scrupulously followed therein. The management agreed with the finding of the Enquiry Officer and also with his recommendation. Accordingly the concerned workman was dismissed by impugned order of dismissal Ext. M-5 with effect from 8-10-76. In these circumstances the order of dismissal being fully justified does not call for any interference.

The case of the union sponsoring the cause of the concerned workman is that the charges levelled against the concerned workman were baseless. There was no occurrence as alleged by the management on 6-7-76. During the period between 11 A.M. to 1 P.M. on that day the concerned workman was not at Mohulbani colony and was all along present at 27 incline. The concerned workman never abused either the Dhowrah Clerk or the contractor or another officer of the company. He never took recourse to brick batting as alleged, did not damage any property nor prevented the progress of any work which was being done by the company at Mohulbani colony on 6-7-76, never removed any article from the work site as alleged. The domestic enquiry held in the case was not fair and proper. The findings and the recommendation of the Enquiry Officer were not justified. The alleged occurrence having taken place outside the mining area of South Bhowra Colliery the occurrence if taken to be true would not constitute misconduct on the part of the concerned workman and so the impugned order of dismissal passed on the basis of the recommendation of the Enquiry Officer cannot be sustained.

4. As the fairness of the domestic enquiry was challenged by the union in its written statement the question of fairness of the enquiry was agreed by the parties to be decided as a preliminary issue. In this connection the management examined MW-1, the Personnel Officer who held the domestic enquiry. Although the Personnel Officer was subjected to a searching cross-examination nothing was elicited from him to lead to a conclusion that the domestic enquiry was not fair and proper and that principles of natural justice were not followed. After hearing the parties on this evidence regarding the question of fairness of the domestic enquiry the Tribunal by order dated 28-8-80 hold that the enquiry was fair and proper, all the formalities were observed by the Enquiry Officer while conducting the enquiry, all the witnesses for the management were examined in presence of the concerned workman who was given full opportunity to cross-examine them and the concerned workman was allowed the liberty to examine witnesses in support of his defence. The preliminary point raised by the union was thus decided against it.

5. Coming to the merit of the case the management relied upon the evidence of MW-1, the Enquiry Officer, his report and the papers relating to the proceeding including the depositions of witnesses in the enquiry. In addition to this witness the management in order to meet the plea of the union that the alleged occurrence did not take place in the mining area examined the Surveyor as MW-2 who deposed that underneath Mohulbani colony where the quarters of the workers of the company stood there was coal. In otherwords MW-2 deposed that Mohulbani colony had been built on a coal bearing area which was within South Bhowra colliery. On behalf of the union the concerned workman only was examined. He deposed that he was a Pump Khalasi in Bhowra Colliery at the relevant time, that the place where the alleged occurrence took place was at Mohulbani colony which was at a distance of half a mile from Bhowra Colliery intervened by a Bazar, that there was a Ghat in Mohulbani colony leading to Damodar river, that at the place where Sovinarayan Singh, contractor was doing repair work was in Mohulbani colony, and neither the manager nor any other officer of the colliery was present that there was no coal underneath Mohulbani colony and that Parameswar Pandey was at the relevant time working as Dhowrah Clerk and was at the place where the contractor was doing repair work. This is all the evidence relied upon by the parties regarding merit of the case.

6. Sri S. Bose for the union argues that as per the evidence led Mohulbani colony where the alleged occurrence is said to have been taken place is at a distance of at least half a mile from Bhowra colliery intervened by a bazar. Such being the situation of Mohulbani colony the alleged occurrence even if admitted to have taken place the concerned workman cannot be held guilty of misconduct under the certified Standing Orders for such an occurrence. Because an act in order to constitute misconduct normally has to be committed within the colliery area and during the working hours and the act must have some nexus with the affairs of the company. In the present case the alleged occurrence having taken place at a far off place from the colliery and the act complained of not having any nexus with the affairs of the company the concerned workman cannot be held guilty of any misconduct under the certified Standing Orders. To meet this argument Mr. G. Prasad, learned counsel for the management refers to me the decision reported in 4 SCLJ. 2682 of the Supreme Court Central India Coalfields Ltd., Calcutta Vs. Ram Bilas Shobnath). In that case their Lordships said that normally the Standing Orders would apply to the behaviour of a workman in the premises of the company and during hours of work. After having said so their Lordships in the peculiar set of facts in the case held that even though the incident in the case took place in the quarters at a short distance from the workshop, the action of the employer in dismissing the workman was perfectly justified. It is not disputed that Mohulbani area is under the management of the company in the present case. It is on this area the management has built quarters for its workers. Construction of quarters in the Mohulbani colony has been done by the company and remains to the quarters from time to time is the concern of the management. The colony is only at a distance of half a mile from the place where mine is being worked out. The evidence of the Surveyor examined on behalf of the management clearly goes to show that the area where Mohulbani colony is situated is a coal bearing area included within

Bhowra colony. There is nothing to dis-agree with the testimony of this witness. The claim by the concerned workman that there is no coal underneath the colony cannot be accepted in view of technical evidence of the Surveyor who has deposed with reference to map and plan. Merely because there is a small market between the place where mine is worked out and the place where the colony is situated and merely because the colony abuts the river Damodar it cannot be said that the colony is outside the premises of Bhowra colony. The case of the management is that the contractor Sovinarayan Singh who was engaged by it to effect repairs to the quarters in Monulbami colony was doing his work as the time the alleged occurrence took place. The work which the contractor was doing was a work of the management and related to the colony in question. The contention of Mr. Bose therefore that the alleged act committed by the concerned workman does not amount to misconduct under the certified Standing Orders cannot be accepted. The decision relied upon by Mr. G. Prasad referred to above fully supports this view.

The next contention of Mr. Bose is that even though the domestic enquiry has been held to be fair and proper under Sec. 11A of the Industrial Disputes Act, the Tribunal has still got the jurisdiction to reappraise the evidence led in the enquiry and to come to its own conclusion which may be different from conclusion arrived at by the Enquiry Officer for the purpose of deciding as to whether the order of punishment is justified or not. It is further argued that the Tribunal has even got the power to go into question of quantum of punishment in course of adjudicating upon a dispute. Applying those principles Mr. Bose has taken me to the actual evidence led by the management in the enquiry and on the basis of that evidence contends that finding regarding guilt of the workman returned by the Enquiry Officer is not justified. In this connection Mr. Bose also invites my attention to the observation in the report that the management has failed to establish the ownership of the articles alleged to have been removed by the concerned workman. The submission of Mr. Bose that the Tribunal has got the jurisdiction to reappraise the evidence and to come to its own conclusion and also to go into the question of quantum of punishment are based upon well recognised principle of law. Mr. Prasad has no objection to this. It is, therefore, necessary to scrutinise the evidence led by the management in course of the domestic enquiry in order to find out if the finding of the Enquiry Officer regarding the guilt of the concerned workman is justified. Before going into the evidence it is worthwhile to refer to the chargesheet Ext. M-1. The allegations in Ext. M-1 are that the concerned workman after reaching the spot without any reason started abusing Sri Visnarayan Singh Parmeswar Pandey and other officers of the colliery that the damaged asbestos sheets lying there, that he took recourse to brick batting and that ultimately removed one pick, one spade and few dollars from the site. For the aforesaid acts the concerned workman in Ext. M-1 has been of clause 27 of certified Standing Orders. Sub-clause (9) charged for misconduct under sub-clause (5), (9) and (20) of clause 27 of certified Standing Orders. Sub-clause (9) speaks of misconduct for causing damage to work in progress or to property of the company and sub-clause (5) refers to drunkenness, fighting, riotous or disorderly or indecent behaviour on the part of a workman. Sub-section (20) speaks of misconduct of abutment of any of the acts enumerated in sub-clauses 1 to 19 of clause 27. Thus it is seen that the misconduct complained of against the concerned workman mainly consists of (1) Drunkenness fighting, riotous or disorderly or indecent behaviour, and (2) causing damage to work in progress or to property of the company. The first witness examined by the management in enquiry is Sri Parmeshwar Pandey, Dharah Clerk. He deposes that at about 12 noon on the alleged date of occurrence the concerned workman came to the spot rebuking him, the General Manager and the Personnel Officer in filthy language, and after rebuking the workman withdrew from the spot and again reappeared there with two or three other non-workmen. This time the concerned workman again started rebuking. The witness according to his version intervened and asked the concerned workman not to rebuke like that. The workman thereafter questioned as to why a window had not been fitted into his quarters. To this the witness replied that as cement was not available the fitting could not be done. This did not satisfy the concerned workman who immediately asked his associate to assault the witness. Thereafter the concerned workman and his associate started breaking asbestos sheets.

While the concerned workman and his associates were breaking asbestos sheets they were shouting that if they would see the contractor they would shoot him down. Hearing this out of fear the witness ran away. Some time after the witness returned to the spot and found that 8 asbestos sheets had been broken and that the miscreants had lifted kernal, telcua, kudan or the contractor. The witness was also told by one Keswar Singh, Munshi or the contractor that the miscreants had also removed many goods including bricks out of the store. This evidence is silent about the presence of the contractor Sovinarayan Singh at the spot. This witness also does not say that Keswar Singh, munshi, was at the scene of occurrence when the concerned workman and his associates were engaged in rebuking in threatening the contractor and in committing other nuisance. The witness also does not say anything about drunkenness. He has only seen damaging of some asbestos sheets. He is not an eye witness to removal of articles. The witness also does not say specifically that the concerned workman actually broke asbestos sheets. He deposes in a general way that the miscreants damaged the asbestos sheets. The witness is also silent about brick batting which is a very significant omission. He is only positive about the abuses hurled by the concerned workman at him, at the contractor and at other officers of the company although according to him none of these persons except himself was present when abusing was going on. The next witness for the management is Sovinarayan Singh, contractor. He says for the first time that the concerned workman when he arrived at the spot was in a drunken mood. His evidence is not corroborated by any other witness. He speaks of abuses at him and at officers of the company. He also says that the concerned workman took away two kudals, three Karahis, one Gaita and resorted to brick batting. Curiously, however, he does not speak about the presence of Sri Parmeswar Pandey the first witness for the management. He does not speak about any damage being done to the asbestos sheets. According to the witness when brick batting started he due to fear left the spot and took shelter in the house of Parmeswar Pandey. But Parmeswar Pandey does not corroborate this statement. Witness No. 3 for the management is Sri Jagat Medak. He only speaks of brick batting and rebuking. He does not say that the concerned workman was there alongwith other associate and that the entire group resorted to brick batting as told by other witnesses. He is silent about removal of articles. He does not say to have seen Parmeswar Pandey or Sovinarayan Singh at the spot. Regarding abuses the witness does not say at whom the abuses were hurled. The 4th witness for the management is Sri Tinkori Bouri. He only speaks about abuses being hurled at either the contractor or Parmeswar Pandey, admittedly present at the spot. He does not speak of abuses being hurled at either the contractor or Parmeswar Pandey. According to him as he went away from the spot for taking lunch he did not see what happened at the spot after he left it. Witness No. 5 is the Welfare Officer. Admittedly he was not present at the spot. So he is not an witness to the occurrence. Whatever he has deposed about removal of articles or about damage to asbestos sheets was what he heard from others. Witness No. 6 is Sri Pirithi Singh. He mainly speaks of abuses hurled by the concerned workman at Sri Pandey and other officers of the company. He also speaks about brick batting and damaging some asbestos sheets. He is completely silent about the story of drunkenness and about the story of removal of articles. The 7th witness is Sri Kesho Singh, Munshi. He speaks about the workman abusing others, about damaging of asbestos sheets and about removal of certain articles. His evidence does not show that Sri Parmeswar Pandey was there. The manner in which he has deposed about brick batting damaging asbestos sheets and removal of articles is very general. He does not specifically implicate the concerned workman with any particular act. From the evidence of these witnesses it cannot be said that a misconduct of drunkenness, fighting, disorderly and indecent behaviour or a misconduct of stopping the work in progress or of removal of articles have been clearly established. The evidence is very discrepant. Almost all the witnesses are completely silent about removal of articles except one or two. Even though witnesses who have spoken about brick batting and damaging the asbestos sheets they have said so in a general way and they are not very particular as to what exactly the concerned workman did. It may be remembered here that the concerned workman was not alone at the spot and he was with others who were non-workmen. About drunkenness the evidence is almost nil. That apart as has been mentioned earlier the enquiry officer has held that the management has not proved ownership of articles alleged to

have been removed. Regarding this Mr. G. Prasad learned counsel for the management relying upon a Supreme Court decision argues that in a case of theft to constitute misconduct it is not necessary to prove ownership. It is too well known that in order to prove a case of theft ownership of the subject matter of theft need not be proved. But what has to be proved is lawful possession. When an article is removed from lawful possession of another without the latter's consent the act of such removal will constitute an offence of theft. That being so it was incumbent on the management to prove lawful possession of articles alleged to have been removed. The enquiry officer while saying that ownership has not been proved must be understood to have said that lawful possession of the articles alleged to have been removed has not been proved. There is no evidence at all who was in possession of the articles said to have been removed in the present case. No attempt has been made to show that the articles alleged to be removed were at the spot for the repair work that was going on. That being so this part of the management's case must be held to have no legs to stand. As against this evidence led by the management the workman has examined one Sri K. G. Sharma, Attendance Clerk of the company. He says that he was working in No. 27 incline as an attendance clerk where the concerned workman was working on the date of occurrence. According to him on 6-7-76 at about 12 O'Clock the concerned workman came there and asked the Asstt. Manager Sri S. P. Singh as to in which shift he would work. Mr. Singh told the concerned workman that he would work in the 2nd shift. According to the evidence of the Attendance Clerk after the concerned workman was told that he would join duty in 2nd shift he did not go anywhere and was sitting there till his shift started at 2 P.M. The evidence of attendance clerk Sri K. G. Sharma is corroborated by the evidence of Sri S. P. Singh, Asstt. Manager to a great extent who was examined as a witness for the concerned workman. This witness deposes that the concerned workman met him at 12.30 A.M. and asked him as to in what shift he would join. The concerned workman was told that he would join in the 2nd shift. The Attendance Clerk and Asstt. Manager are employees of the company and there is no reason why these two witnesses would support the case of the concerned workman who was being proceeded against by the management for same misconduct. That apart it appears from the evidence of witnesses examined by the management that at the time the concerned workman was abusing the persons at whom the abuses were hurled were not present. So therefore a question arises whether abusing a person behind his back is a misconduct as mentioned in sub-clause (5) of clause 27 of the Standing Orders. So far as brick batting damaging rods and removal of asbestos sheets are concerned the evidence led by the management is very discrepant as has been found above. Mr. G. Prasad however urges that when an occurrence is seen by several witnesses, it is not necessary that each witness must narrate the entire story. It is just possible that one witness has seen one part of the occurrence while another has seen the other part of it. That being so merely because all the witnesses do not narrate the entire story, the case can not be thrown out on that account. This may be true. But in a case like the present one most of the witnesses do not support the major part of the management's case. The supervisor, the munshi and the contractor in their ever zealousness appear to have implicated the workman fully. Still then their evidence is disreputable. So far as the supervisor and the contractor are concerned one does not say to have been the other at the spot. If the evidence of the two witnesses examined by the concerned workman is accepted then the entire case of the management must have to be thrown out. From the version of the different witnesses it appears that the concerned workman had a grievance that his quarters were not fitted with a window and that there was leakage at some places in the quarters in the colony. It is on account of this if the workman out of disgust indulges in rebuking officers and contractors of the company who were responsible for not fitting his quarters with a window and for not stopping leakage of water in the quarters and that also in the absence of the persons concerned such act even if taken to have been committed will not strictly amount to a misconduct under sub-clause (5) of clause 27 of the Standing Orders. Even assuming that such act amounts to a misconduct still then on the evidence as analysed by me above I am firmly of the view that on the said evidence a conclusion finding the concerned workman guilty of the alleged misconduct mentioned in Ext. M-1 is not possible. The evidence led by the management in my opinion is vague and self contradictory. To rely upon such evidence to find the concerned workman guilty

would mean discarding a very important evidence of the Attendance Clerk examined by the workman. While weighing the evidence led by the management against the evidence of the Attendance Clerk there is no reason why preference should be given to the former over the latter. To do so will, in my opinion, amount to doing injustice. I, therefore, hold that the management has failed to establish its case that the concerned workman is guilty of misconduct as per provision contained in sub-clauses (5), (9) and (20) of clause 27 of the Standing Orders. On reappraisal of evidence led before the domestic enquiry I hold that the finding of the Enquiry Officer is not justified and so also the punishment inflicted on the concerned workman. In the result, therefore, the concerned workman is entitled to reinstatement with full back wages. The reference is answered accordingly. There will be no order for costs.

B. K. RAY, Presiding Officer
[No. L-20012/37/78-D. III(A)]

New Delhi, the 27th March, 1981

S.O. 1195.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal No. 1, Dhanbad, in the industrial dispute between the employers in relation to the management of Muraidih Colliery of Messrs Bharat Coking Coal limited, Post Office Nawagarh, District Dhanbad and their workmen, which was received by the Central Government on the 17th March, 1981.

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. 1, DHANBAD

In the matter of a reference under Sec. 10(1)(d) of the
Industrial Disputes Act, 1947
Reference No. 20 of 1980

PARTIES :

Employers in relation to the management of Muraidih Colliery of Messrs Bharat Coking Coal Limited, Post Office Nawagarh, Dist. Dhanbad.

AND

Their Workmen.

APPEARANCES :

For the Employers—Shri R. S. Murthy, Advocate.
For the Workman—Shri D. Mukherjee, Advocate.

STATE : Bihar

INDUSTRY : Coal

Dhanbad, dated, the 12th March, 1981

AWARD

By Order No. L-20012(79)80-D.III.A, dated, the 25th September, 1980, the Central Government being of opinion that an industrial dispute existed between the employers in relation to the management of Muraidih Colliery of Messrs Bharat Coking Coal Limited, Post Office Nawagarh, District Dhanbad and their workman in respect of the matters specified in the schedule attached to the order, referred the same for adjudication to this Tribunal. The schedule to the order reads thus.

"Whether the action of the management of Muraidih Colliery of Messrs Bharat Coking Coal Limited, Post Office Nawagarh, District Dhanbad in dismissing from service Shri H. S. Choudhary, Head Clerk, working as Cashier, with effect from the 19th April, 1975, is justified? If not, to what relief is the said workman entitled?"

2. After notice to the parties they have filed their respective written statements. The employer in addition to its written statement has filed a rejoinder.

3. Before the case could be taken up for hearing on merit a petition of compromise between the parties has been filed before the Tribunal on 10-3-1981 settling the dispute between them referred to this Tribunal for adjudication. A prayer has been made in the petition that an award in terms of the settlement arrived at between the parties be passed. Required number of copies of the compromise petition have already

been filed. The compromise petition has been signed by the authorised representatives of the management as well as of the union. The terms of the settlement have been admitted by the representatives of the parties before the Tribunal and by order dated 10-3-1981 the terms of settlement have been held to be fair and reasonable and by the order of that date the prayer of the parties to pass an award in terms of the compromise has been accepted. Accordingly the following award is passed.

4. The dispute in the present case as per the order of reference relates to the question as to whether the order of dismissal passed by the management dismissing Sri H. S. Choudhary, Head Clerk, working as Cashier, from service with effect from the 19th April, 1975 is justified. As per the terms of the settlement I held that Sri H. S. Choudhury is entitled to reinstatement in service as soon as he reports for duty within a fortnight of the date when the application of compromise is accepted by the Tribunal. In case the workman concerned does not report for duty within the period specified he will have no claim for employment under the management. On reporting for duty within the time fixed Sri H. S. Choudhury will be entitled to be reinstated by the management in the same post which he was holding when he was dismissed i.e. as Head Clerk (in Clerical Grade-I). On reinstatement his pay will be fixed in N.C.W.A.-II pay scale as Head Clerk (Clerk Grade-I) at the stage corresponding to the pay he was drawing in N.C.W.A.-I pay scale of the said post at the time of his dismissal, in the terms of the formula laid down in N.C.W.A.-II. On reinstatement the management shall post the concerned workman in one of collieries/establishments of Bharat Coking Coal Ltd. in Area-II (Mohuda Area). This posting, however, will not debarr the management to transfer the concerned workman to any other colliery/establishment of the management of B.C.C. Ltd. subsequently. For the period of idleness between 19th April 1975 (date of dismissal) and the date of reinstatement Sri H. S. Choudhury shall be entitled to receive a lump sum amount of Rs. 5000 (Rupees five thousand) only from the management within one month of the date of the compromise petition. The workman concerned on reinstatement will have continuity of service and his service conditions will be the same as applicable to him prior to his dismissal. The reference is thus answered. The petition of compromise will form part of the award. There will be no order for cost.

B. K. RAY, Presiding Officer
[No. L-20012(79)/80-D.III(A)]

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL, No. 1, DHANBAD

In the matter of Reference No. 20 of 1980

PARTIES :

Employers in relation to the Management of Muraidih Colliery of Messrs. Bharat Coking Coal Ltd., P.O. Nawagarh, Dist. Dhanbad.

Vs.
Their workman, Sri H. S. Choudhury.

The above mentioned parties beg to submit this joint application to the Hon'ble Tribunal for consideration and decision :—

(1) That both the parties have mutually discussed the matter and as a result they have mutually agreed to come to an overall settlement of the dispute as per terms and conditions set out hereunder :—

(a) That the Management of Bharat Coking Coal Ltd. shall reinstate in service the workman concerned, Sri H. S. Choudhury as soon as he reports for duty and within fortnight of this application, if accepted by the Hon'ble Tribunal. If, however, it is accepted by the Hon'ble Tribunal. If, however, the workman concerned does not report for duty within the specified period, he shall have no claim for employment under the Management.

(b) That on reporting for duty the workman, Sri H. S. Choudhury shall be reinstated by the Management in the same post as held by him when he was dismissed, i.e. as Head Clerk (in Clerical Grade-I). His pay will be fixed in N.C.W.A.-II pay scale as Head Clerk (Clerk Grade-I) at the stage corresponding to the pay he was drawing in

NCWA-I pay scale of the said post at the time of dismissal in terms of the formula laid down in NCWA-II.

- (c) That the Management shall post him for duty in one of the collieries/establishments of Bharat Coking Coal Ltd. in Area-II (Mohuda Area) and he will be liable later to be transferred to any other colliery/establishment of the Management of B.C.C. Ltd.
- (d) That for the period of idleness i.e. between 19th April 1975 (date of dismissal) and the date of reinstatement, the workman, Sri H. S. Choudhury shall be paid a lump sum amount of Rs. 5000 (Rupees five thousand) only by the Management within one month of this application, if it is accepted by the Hon'ble Tribunal. The workman, Sri H. S. Choudhury will have continuity of service and his other service conditions will be the same as applicable to him prior to his dismissal.
- (e) That this settlement is in full and final settlement of all claims of the workman, Sri H. S. Choudhury in this dispute/case.

(2) That the parties consider that the above settlement is fair, just and reasonable.

(3) That in view of the mutual overall agreement/settlement reached between the parties, the Hon'ble Tribunal is requested to give his award in terms of this agreement/settlement.

Both the parties jointly pray accordingly.

(D. MUKHERJEE)

Authorised Representative of Workman

(H. S. CHOWDHURY)

Workman concerned in Dispute

Dhanbad, Dated,
10th March, 1981

R. B. SINGH
Dy. Personnel Manager
For and on behalf of Bharat Coking
Coal Limited, Dhanbad
Authorised Representative.

Ral. S. Murthy,
Advocate

Authorised Representative of Management.

New Delhi, the 30th March, 1981

S.O. 1196.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal No. 3, Dhanbad, in the industrial dispute between the employers in relation to the management of Sudamdh Shaft Mine of Messrs Bharat Coking Coal Limited, Post Office Sudamdh, District Dhanbad and their workmen, which was received by the Central Government on the 23rd March, 1981.

BEFORE THE CENTRAL GOVT. INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT NO. 3 DHANBAD

**Reference No. 13/79 and
Complaint No. 1/80**

PARTIES :

Employers in relation to the management of Sudamdh Colliery of M/s. Bharat Coking Coal Ltd., P.O. Sudamdh, Dist. Dhanbad.

AND
Their workmen.

APPEARANCES :

For the Employers — Shri T. P. Chowdhury, Advocate.
For the Workman — Shri S. Paul, Advocate.

INDUSTRY : Coal.

STATE : Bihar

Dated, the 16th March, 1981
AWARD

The above Reference Case as also the Complaint Case U/S 33-A have been taken up analogous as the workman is the same. This Award will therefore govern both the cases.

2. The Reference was made U/S 10(1) (d) of the Industrial Disputes Act, 14 of 1947 by the Govt. of India, Ministry of Labour under Order No. L-20012/92/79, D. III(A) dated the 11th October, 1979 which is as follows :

SCHEDULE

"Whether the demand of the workmen of Sudamdh Colliery, M/s. Bharat Coking Coal Ltd., P.O. Sudamdh, Dist. Dhanbad that Sri Sukumar Bose, Electrical Supervisor/Foreman Incharge, Sand Gathering Plant, Sudamdh should be placed in the grade of Rs. 592-992 and be allowed to work as Electrical Supervisor is justified ? If so, to what relief is the said workman entitled and from what date?"

3. The case of the workman Sri Sukumar Bose is that he was initially appointed on 24-9-64 as an Electrical Supervisor of Dilli Colliery in Assam and thereafter on 29-6-68 he joined as an Electrical Supervisor, Grade I at Religora Colliery of M/s. Bird & Co. (P) Ltd., in Bihar.

4. The workman, however, with a bonafide hope of better conditions of service joined Sudamdh Colliery as an Elect. Foreman vide appointment letter dated 2-1-70 and was placed in the scale of Rs. 510-854/- with effect from 1-1-75 in terms of the National Coal Wage Agreement dated 11-12-74. It is his case that thereafter he was appointed by way of promotion and authorised to act as an Elect. Supervisor with effect from 1-6-76 as per terms of the National Coal Wage Agreement aforesaid and the said post of Elect Supervisor/Foreman Incharge carries the pay scales of Rs. 592-992/-. It is submitted that the Wage Board Award clearly shows that the designation 'Foreman Incharge' and 'Electrical Supervisor' are equivalent to each other and both for Elect. Supervisor and Foreman Incharge the prescribed scale is one and the same i.e. Rs. 592-992/-, but the management arbitrarily and illegally refused to pay the said scale to him. The concerned workman, therefore, filed a case before the Labour Court, Bokaro under the Payment of Wages Act on 25-6-76 in which his claim was challenged by the management. But the Labour Court ordered that the workman was entitled to his salary of Rs. 592-992/- . The management, however, did not pay him the difference in wages as ordered by the Labour Court.

5. It is than stated that the Superintendent Shaft Mine Sudamdh by letter dated 20th/24th July-78 intimated the workman that his appointment and authorisation to work as Elect. Supervisor was withdrawn with effect from 1-1-77. It is submitted that the said withdrawal is illegal, arbitrary and without any justification because the workman had been working as Elect. Supervisor after being duly appointed and authorised to work as such for a period of more than one year and the aforesaid withdrawal amounts to his reduction in rank which is a penalty. It is also stated that the workman was not given any opportunity to show cause for such withdrawal and the withdrawal of authorisation to work as Elect. Supervisor after more than one year and to designate him as a Foreman and to bring a change in his grade amounts to change in his conditions of service which is illegal. The workman protested against the said order but to no effect and then he raised this dispute. It is also submitted that a far junior candidate named Sri N. P. Singh was given the designation of Elect. Supervisor in place of the concerned workman. It is also submitted that the management by order dated 29-10-77 transferred the workman to underground as a Foreman and in his place the aforesaid Sri N. P. Singh who was working as Foreman was transferred in his place to Sand Gathering Plant and posted as an Elect. Supervisor. The workman has, therefore, prayed that he is entitled to restoration of his status of an Elect. Supervisor with retrospective effect and full back wages.

6. It appears that during the pendency of the above proceedings the workman was dismissed from service on 16-10-79 and therefore he filed a separate Complaint petition U/S 33-A of the Industrial Disputes Act, 14 of 1947 as mentioned above challenging the above action of the management.

7. The management has contested both the cases. Besides challenging the case on merits the management also contended that on the date of reference there was no relationship of employer and employee because the concerned workman had been dismissed from service by order dated 22-9-79 effecting the dismissal with effect from 24-9-79, while the present reference is dated 11-10-79 and hence the reference is illegal and without jurisdiction. It was also contended that the Asstt. Secretary, Bihar Colliery Kamgar Union, Sudamdh Unit was not competent to raise this dispute on behalf of the workman.

8. Both these above issues were taken up as preliminary objections and were decided by my predecessor-in-office who by his order dated 15-7-80 held that the reference is maintainable as there was relationship of employer and employee between the parties on the date of reference and further as the point regarding the authority of Asstt. Secretary to raise the dispute was not raised during the conciliation proceeding, the management cannot take this objection at this belated stage. Both the points were accordingly decided against the management. The management did not move the higher Court against the aforesaid order so the two objections referred to above is of no help to the management.

9. So far as merits of the case is concerned, the defence of the management is that the concerned workman was holding a supervisory post and was getting wages of more than Rs. 500/- per month and as such he was not a workman within the meaning of Section 2(s) of the Industrial Disputes Act and hence the reference is not maintainable. It is further alleged that in pursuance of the industrial policy resolution with a view to take over the coal industry in the public sector a Govt. Company, named, National Coal Development Corporation Ltd. (to be referred to as N.C.D.C. hereafter) was incorporated with effect from 1-10-56 which took over 11 State Collieries which were working in the States of Bihar, Orissa & Madhya Pradesh. The Colliery in question also came within the N.C.D.C. in which the workman was working and in the said 11 Collieries which the N.C.D.C. took up in 1956 the service conditions of monthly paid staff engaged therein were being governed by Central Govt. pay scales and rules and the recruitment of monthly rated employees by N.C.D.C. was in line with such scale rules. The weekly paid employees, however, were being paid according to the Market Collieries. The Mazumdar Tribunal gave its award in May '56 when the N.C.D.C. had not come into existence. The N.C.D.C. had framed a Cadre Scheme for their monthly rated employees which are generally in accordance with the Central Govt. structure and their designations were not in accordance with the other collieries commonly known as Market Colliery. In the N.C.D.C. in the technical side the lowest category of supervisory staff was Chargeman Grade II. The next channel of promotion was Chargeman Grade I, then to Foreman and then to Foreman Incharge. The Foreman Incharge however if found suitable was being promoted to Asstt. Engineer which is an Executive post.

10. It is further stated that the N.C.D.C. never had any designation in the electrical side known as Elect. Supervisor which is a designation enjoined under the Mines Rules and technical hands in the electrical side having the requisite certificate of competency may be authorised as Elect. Supervisor and competent person as defined in Regulation 2(7) of the Coal Mines Regulations, 1957. According to the management as stated above there was no post of an Elect. Supervisor under the N.C.D.C. and the said authorisation was given only under the Mines Rules and under the Electricity Act and as such the said authorisation cannot change the substantive appointment of any person. According to them even a Chargeman or Foreman can be authorised to work as an Elect. Supervisor under the aforesaid rules but substantially he will remain as Chargeman or Foreman according to his substantive appointment. It is stated that in the case of the concerned employee, Sri Sukumar Bose all that was done was that the Manager issued him with necessary authorisation, under Regulation 36 of the Coal Mines Regulations as a competent person viz. Elect. Supervisor within the meaning of 46 (d) of the Mines Rules, on 1-6-76 which enabled him to supervise the operation of the machineries, plants and equipments as required under Rule 46 of the Mines Rules and that he was never appointed as an Elect. Supervisor in as much as such a post never existed in the hierarchy of the N.C.D.C. or in the Sudamdh Project

where he was working. It is further stated that as a matter of fact Regulation 36 of the Coal Mines Regulations enjoined upon the management to appoint such competent persons including officers and technicians for proper running of the mines. It is contended that even under the Coal Wage Board recommendations which has been accepted by the Central Govt, the designation of Elect. Supervisor which was prevailing in the Market Collieries has been abolished and in its place Foreman Incharge has been substituted. It is submitted that any employee on the electrical side possessing the necessary certificate of competency can be authorised as an Elect. Supervisor for purpose of Mines Rules but that is not a promotion or appointment.

11. The stand of Sri Bose that since he had been authorised as an Elect. Supervisor by the Manager so he became automatically 'Foreman Incharge' is not at all tenable and cannot be accepted. The post of Foreman Incharge is a post of promotion and Sri Bose had to be promoted as a 'Foreman Incharge' before he could claim the grade as claimed in the present reference. It is submitted that Sri Bose was never promoted as such and on the contrary when he was asked to appear before the Departmental Promotion Committee for being considered to the post of Foreman Incharge he preferred not to do so apparently being under the impression that since he had been authorised as Elect. Supervisor he became automatically entitled to the pay scale of a Foreman Incharge. Sri Bose went to the extent of refusing transfer order from one section to another and started absenting himself from duty with effect from 17-10-78 which led to the issue of a charge-sheet against him and after domestic enquiry he was ordered to be dismissed from 24-9-79. The management asserts that they have a right to transfer one employee from one section to another in the interest of the industry but that cannot be challenged by any workman. It is also stated that the authorisation is given not only to the Supervisory staff but also to the officers under the Electrical Rules as and when necessity arises and the authorisation by itself does not indicate that the concerned workman was promoted as Foreman Incharge. It is further said that in Sudamdih Project there are 26 Chargeman, 44 Foreman and 9 Foreman Incharge in the electrical side out of whom a considerable number are in possession of Supervisorship Certificate but they have not been authorised as Elect. Supervisor because the post they hold are not to be manned by the Electricians having the Supervisory Certificate under the Electricity Rules. Similarly there are number of Chargeman and Foreman who have been authorised as Elect. Supervisor in accordance with the statutory requirements and are posted in sections where Electricians with statutory certificate are to be kept for supervision.

12. Regarding the case before the Labour Court, Bokaro it is submitted that the concerned workman obtained an ex parte order from that Court and during the hearing of this case the said ex parte order has been set aside and so it has got no effect in this case. It is submitted that the demand of Sri Bose designating him as Elect. Supervisor/Foreman incharge is absolutely unwarranted there being no post of Elect. Supervisor and Sri Bose having not been appointed or promoted as Foreman Incharge there is no question of placing him in the scale of Rs. 592—992/- It is prayed that the concerned workman is not entitled to any relief.

13. Regarding the Complaint Case as mentioned earlier it has been held by my predecessor-in-office that there was relationship of employer and employee when the present reference was made. Admittedly therefore the concerned workman was an employee of the management when he was dismissed and therefore he has filed the present petition U/s. 33-A of the Industrial Disputes Act, 1947.

14. This case has also been contested by the management in which one of the plea taken is that the Asstt. Secretary had no right to file this complaint petition. The same plea which has been taken in the reference has also been taken in the complaint case.

15. The points for consideration in the two cases are—

- (1) Whether the concerned workman is a workman under Section 2(s) of the Industrial Disputes Act, 1947?
- (2) Whether the concerned workman should be placed in the grade of Rs. 592—992/- and be allowed to work as Elect. Supervisor?

(3) Whether the dismissal of the concerned workman is legal and in accordance with law?

(4) To what relief?

16. Point(1).—The case of the management is that the concerned workman was holding a supervisory post and was getting wages of more than Rs. 500/- per month and as such he is not a workman within the meaning of Section 2(s) of the Industrial Disputes Act. This fact has been denied on behalf of the workman. According to him he is a workman under the said definition.

17. Section 2(s) of the Industrial Disputes Act defines workman. It is now well settled that an employee can be held to be a workman or not is to be determined by the work which he is required to do. In practice quite a large number of employees are employed to do more than one kind of work. The principle is now well settled that for this purpose a workman must be held to be employed to do that work which is the main work he is required to do even though he may be incidentally doing other type of work. If a person is mainly doing other work but incidentally or for a fraction of time does supervisory work, he cannot be out of the scope of the definition of workman and will be held to be a workman under the Act.

18. It is, therefore, to be seen what was the main work of the concerned workman. It is not denied that he was initially appointed as a Foreman. According to the management the Foreman Incharge is the Head of the Electrical Staff including the Foreman.

19. Both sides have examined one witness each in this case. MW-1 is Sri S. K. Singh, Personnel Manager in Sudamdih area. He has not spoken a single word regarding the main duty of the concerned workman. According to him it will appear that about 88 persons including Category IV, V & VI who possess the supervisory certificate have been authorised to do the work of Elect. Supervisor. Evidently Category IV, V & VI workers cannot be deemed to be doing supervisory work as his main duty. The management ought to have adduced evidence to prove that the main duty of the concerned workman was of a supervisory character and he does not come under the term 'workman' under the Industrial Disputes Act. The workman has examined himself as WW-1 and he also in his chief has not stated whether his main duty was of supervisory character or of a manual nature. In cross-examination however he has stated that at the Sand Gathering Plant some Trainee Foreman, Electricians and Helpers were working under him and he supervised the work of the aforesaid people while working along with them. This shows that the concerned workman was working along with the aforesaid Trainee Foreman, Electricians and Helpers. He has also stated that he used to do the work himself. It may also be stated that in the Complain case also no plea has been taken by the management to the effect that the concerned workman does not come under the definition of workman and he is not competent to file this petition. The learned Advocate for the management however has filed before me a ruling reported in S.C.I.J. Vol. 13, page 260 (between Prem Kakar and State of Haryana and another) in which the Government found that the appellant was not a workman within the definition of workman in the Act and hence reference was refused. The High Court in the writ upheld the decision of the Govt. But this case did not relate to mines. In that case the Government found that the post of Elect. Foreman was a supervisory job and hence no reference was made. There was thus a clear finding in that case that the post of Elect. Foreman was a supervisory job. But in the instant case whether the main duty of the concerned workman was a supervisory job or not is to be decided on the evidence and circumstances of the case. But the evidence of the management as indicated above is nil on the point and it does not prove that the main duty of the concerned workman was of a supervisory character. Rather according to the evidence of the workman he was doing the work himself along with other persons working under him. Considering these, I hold that the concerned workman is a workman U/s 2(s) of the Industrial Disputes Act and the present reference is maintainable.

20. Point (2)—The main case of the workman is that as he was working as Elect. Supervisor so he should be placed in the grade of Rs. 592-992 and be allowed to work as such. According to the management however there is

no post of Elect. Supervisor and certain employees who possess the certificate of competency are authorised as Elect. Supervisor under different rules like Electricity Rules as also under the Mines Rules. It is admitted by the concerned workman in his evidence that he was never promoted as Foreman Incharge.

It may also be stated that the categorisation in the N.C.D.C. was quite different from the categorisation in other collieries. In the N.C.D.C. the category is as follows :

- (1) Chargeman/Asstt. Foreman
- (2) Foreman.
- (3) Foreman Incharge.

This fact has not been disputed. In private collieries however, there was only one post of Elect. Supervisor and under him other workmen worked. Under the Coal Wage Board recommendation 1967, in the private collieries the categorisation as maintained in N.C.D.C. was applied and the Elect. Supervisor was designated as Foreman Incharge. This will appear from page 79 of the recommendations. On this very basis the concerned workman has claimed the new scale of Foreman Incharge on the ground that Elect. Supervisor has now been designated as Foreman Incharge. According to management however there was no post of Elect. Supervisor in the N.C.D.C. and the workman concerned was never appointed as an Elect. Supervisor. It is also admitted that for promotion from Foreman to Foreman Incharge a Departmental Promotion Committee is constituted and then on the recommendations of the Departmental Promotion Committee (D.P.C.) that promotion is given. It is also in evidence, which is not denied rather admitted, that the concerned workman was asked to appear before the D.P.C. twice for the aforesaid promotion but he refused to do so and therefore he was not promoted.

22. It is to be seen as to whether the concerned workman was ever appointed as an Elect. Supervisor so that he can claim new scale of pay of Foreman Incharge. Ext. W-11 is the relevant order in this regard. It reads as follows :

"You Sri S. K. Bose, Foreman Electrical having been appointed at this colliery are hereby authorised as Elect. Supervisor at Sand Gathering Plant mine..."

The workman banks upon this letter and contends that he was in fact appointed as an Elect. Supervisor but the letter clearly shows that he was only authorised to work as Elect. Supervisor and this according to the management is under statutory rules. It is admitted that the substantive appointment of the concerned workman was that of a Foreman only. In this connection certain sections of Indian Electricity Rules and Mines Rules are relevant. Section 2(7) of Coal Mines Regulations, 1957 has defined the word 'competent person' in relation to any worker any machinery, plant or equipment and it says that such competent person is to be appointed in writing by the Manager whenever that person is asked to supervise the operation of the machinery, plant or equipment. Rule 46 of the Mines Rules has categorised the persons holding position of supervision or management and under this category even Overman, Asstt. Foreman, Sirdar, Head Mistry comes. Rules 45 of the Indian Electricity Rules provides that no electrical installation work including addition, alteration etc. shall be carried out upon the premises of or behalf of consumer or owner except by an electrical contractor licensed in this behalf by the State Government and under the direct supervision of a person holding a certificate of competency issued or recognised by the State Government. Thus possession of certificate of competency is necessary for supervision. The concerned workman possess the said certificate of competency and under the Coal Mines Regulations appointment of competent person is to be made by the manager every time. Rule 131 of the Indian Electricity Rules is with respect to supervision in mine. It says that an Electrician shall be appointed in writing by the Owner, Agent or Manager of a mine or by the Agent or Owner of one or more wells in an oil fields to supervise the installations and the Electricians so appointed shall be a person holding a valid and appropriate certificate of competency issued under

Sub-Rule (1) of Rule 45. It also shows that if necessary one or more Assistants to the Electricians shall also be appointed in writing by the aforesaid authority. Thus according to this rule appointment of an Elect. Supervisor is a 'must' in a mine and according to the management the concerned workman Sri Bose was authorised under Rule 131 as mentioned above as he was a competent person.

23. It is also in the evidence of MW-1 that out of 88 supervisory staff 26 of them possess the Supervisory certificate of competency under the aforesaid rules issued by the State Govt. and the management required 15 competent persons to be authorised as Elect. Supervisor under the Electricity Rules to work in Sudamdh mines. He has also stated that people in the ranks of Chargeman, Foreman, Foreman Incharge and even Asstt. Engineers are authorised to work as Elect. Supervisor under the Electricity Rules. According to him Electricians of Category IV, V & VI who possess the competency certificate can also be posted as Electrical Supervisor. It is contended on that behalf that if all these Elect. Supervisors are designated as Foreman Incharge and be placed in the grade of Rs. 592-992 as claimed by the workman, then there will be no end of the matter as the post of Foreman Incharge alone carries the above pay.

24. From the rules cited above it is also clear that such authorisation is necessary for proper working of the mines and mere authorisation will not give a right to the workman to get the scale of Foreman Incharge. In fact the authorisation letter also shows that the concerned workman was not appointed as an Elect. Supervisor but was only authorised under the relevant rules to work as such. It is also in the evidence of the management, as stated earlier, that there is no post of Elect. Supervisor under the N.C.D.C. and so the question of appointing the concerned workman as Elect. Supervisor does not arise. The workman also has not given any evidence to show that there is a post of Elect. Supervisor carrying scale of pay of Foreman Incharge.

25. The contention of the workman also is that he was transferred to underground and in his place one Sri N.P. Singh was transferred in his place as Elect. Supervisor. But Sri N.P. Singh is also getting the pay of his substantive post and is not getting the pay of Foreman Incharge. Even the workman himself was not getting the scale of Foreman Incharge. Merely because he was authorised to work as an Elect. Supervisor cannot entitle him to the grade of Foreman Incharge.

26. Certain documents no doubt have been filed in this regard, but they are not very relevant for the purpose of this case. Ext. M-1 is an application by the concerned workman to the management for some train fare. It is dated 26-12-77 in which he has described himself as a Foreman only. Ext. M-2 is a T.A. Bill submitted by him in which also he has described himself as a Foreman which was his substantive post. Ext. W-1 is the order of the Labour Court but this order has been set aside and is not at all helpful. Ext. W-2 is a representation dated 29-10-77 against the transfer of the concerned workman to underground and he claimed to be appointed as an Elect. Supervisor. By Ext. W-3 his transfer was kept in abeyance for some time. Ext. W-4 is a letter by the management to the workman asking him to join his duty on transfer.

27. Much stress has been led on behalf of the workman on the letter Ext. W-5 dated 1-10-77 written by the management to the concerned workman who has been shown as F.I. It has been tried to be shown that the above letters mean 'Foreman Incharge' and so that workman was in fact working as Foreman Incharge. But the above designation might have been given because some other employees like Chargeman, Trainee Foreman or Electricians were working under the concerned workman. Admittedly the concerned workman was never appointed as a Foreman Incharge. In fact he was asked to appear before the D.P.C. for the aforesaid promotion but he declined to do so. In the circumstances it appears that the above letters were written against his name loosely. Ext. W-7 is the order of transfer. Ext. W-8 has got no relevancy as it relates to the appointment of the workman in a private company. Ext. W-9 is office order of the management showing that certain persons were promoted to the post of Foreman Incharge on being found suitable by the D.P.C. It is in the evidence of the management that such promotions

are given only after the recommendations of the D.P.C. But the concerned workman thought he was qualified for being promoted as such, refused to appear before such Committee inspite of direction given by the management. Extl. W-10 is a form I which was sent to the Directorate-General, Mines Safety by the management regarding Elect. Supervisor. Extl. W-12 is the termination of the authorisation of the concerned workman as Elect. Supervisor. There is nothing on the record to show that the management has no right to withdraw the authorisation as and when necessary. As stated earlier the workman in his cross-examination has admitted that he has not received any letter appointing him as Foreman Incharge in the grade claimed by him. It is also admitted by him that any person having the necessary certificate can be appointed as an Elect. Supervisor under Rule 131 of aforesaid rules. Thus if any body is authorised to work as Elect. Supervisor, he cannot claim the pay scale of Foreman Incharge.

28. Considering the above facts and circumstances of the case, I hold that the concerned workman was never appointed as a Foreman Incharge and cannot be placed in the grade of Rs. 592-992 and be allowed to work as Elect. Supervisor. It is for the management to authorise anybody to work as such according to necessity. This point is thus decided against the workman.

29. **Point (3)**—It is not denied that the concerned workman was dismissed during the pendency of the reference. My predecessor-in-office has also held that on the date of dismissal there was relationship of employer and employee between the parties. It is in the written statement of the workmen that the order of dismissal was served on him on 16-10-79. The date of reference is 11-10-79. It is well settled that the order of dismissal is to take effect from the date when it is served on the workman.

30. It has also been found that the workman comes under the definition of workman under the Industrial Disputes Act and so his dismissal without complying with Section 33 of the Industrial Disputes Act is illegal and invalid as it has been made in contravention of Section 33 as no approval of the Tribunal was taken before dismissing him from service. I accordingly hold that the dismissal of the concerned workman is illegal and not in accordance with law.

31. **Point (4)**—On the findings arrived at above, I hold that the concerned workman is not entitled to be placed in the grade of Rs. 592-992 and be allowed to work as Elect. Supervisor. But as his dismissal has been held to be illegal and against law, he is entitled to be reinstated to the post of Foreman which he held substantially with full back wages from the date of dismissal i.e. 24-9-79 (according to the management) till he is allowed to join his post.

32. The award is given accordingly.

J. N. SINGH, Presiding Officer
[No. L-20012(92)/79-D, III(A)]

S.O. 1197.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal No. 3, Dhanbad, in the industrial dispute between the employers in relation to the management of Kessuragarh Colliery of Messrs Bharat Coking Coal Limited, Post Office Nudkhurkee, District Dhanbad and their workmen, which was received by the Central Government on the 24th March, 1981.

BEFORE THE CENTRAL GOVT. INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT NO. 3, DHANBAD
Reference No. 35/80.

PARTIES :

Employers in relation to the management of Kessuragarh Colliery of M/s. Bharat Coking Coal Ltd., P.O. Nudkhurkee, Distt. Dhanbad.

AND

Their workman.

APPEARANCES :

For the Employers—Shri B. Joshi, Advocate.

For the Workman—Shri B. K. Ghose, Member,
Executive Committee, J.M.S.

INDUSIRY : Coal.

STATE : Bihar.
Dated, the 18th March, 1981.

AWARD

The Govt. of India in the Ministry of Labour in exercise of the powers conferred on them U/s 10(1)(d) of the Industrial Disputes Act, 14 of 1947 have referred the following dispute to this Tribunal for adjudication by their Order No. L-20012/167/79-D, III A, dated the 1st May, 1980.

SCHEDULE

'Whether the demand of the workman of the management of Kessuragarh Colliery of M/s. Bharat Coking Coal Ltd., P.O. Nudkhurkee, Distt. Dhanbad that when Shri Jethu Beldar was converted from Wagon Loader to Loading Chaprasi in 1975, his wages should have been protected, is justified? If so, to what relief is the said workman entitled and from what date ?'

2. According to the union Sri Jethu Beldar the concerned workman was a wagon loader on piece-rate drawing Grade III wages. He was converted as loading chaprasi in 1975 by the management on an initial pay of Grade 'H'. It is stated that the conversion from wagon loader to loading chaprasi was made without taking the consent of the concerned workman and the management gainfully engaged him as a loading chaprasi without protecting wages. It is submitted that the concerned workman is entitled to the relief of protection of his wages from the date of conversion from wagon loader to loading chaprasi.

3. The case of the management, however, is that the concerned workman who was working as a wagon loader and was drawing the wages as a piece rated worker in view of his health and breakdown, approached the management for a lighter job of loading chaprasi as the job of wagon loader requires more physical energy and is a hard job. The management taking sympathetic view gave the job of loading chaprasi to the concerned workman which was accepted by him willingly and he is working as such. It is submitted that the concerned workman on his own request and on his own consent was given the lighter job for giving him occasion to recoup himself so that he could be put back in his original job, that is, the job of wagon loader. The work of loading chaprasi was given to him as a temporary measure at his own request and the management is prepared to put him back in his original job but the concerned workman never approached the management for the same. It is further submitted that the concerned workman after accepting the payment for several years and after deriving advantage of lighter job cannot now claim the wage of wagon loader. The demand is said to be illegal and not in accordance with the rules.

4. The only question for determination is as to whether the concerned workman is entitled to the relief claimed.

5. The only witness examined in this case is Sri K. S. Singh, Senior Personnel Officer who was Personnel Officer at the time the concerned workman was given the post of loading chaprasi. The workman has not cared to examine himself Shri Singh MW-1 has stated that as the work of wagon loader is harder and the work of loading chaprasi is lighter once the concerned workman approached him for lighter job due to his personal difficulty. The witness talked to the manager and after discussion with the workman he was given the post of loading chaprasi which he accepted on a basic salary of Rs. 274 per month which was fixed as per National Coal Wage Agreement with effect from 1-1-75. It is further stated by him that prior to that the concerned workman was working on a wage of Rs. 5.90 per day. Thus according to this witness the post of loading chaprasi was given to the workman at his own request and he accepted it willingly. No document has been examined to controvert the above evidence of the Senior Personnel Officer. Even the concerned workman has not come to depose in this case and it is submitted on behalf of the management that the workman is happy with the work of loading chaprasi and that it is the union who has taken up his case without his consent.

and approval. Now if the workman would have been dissatisfied with the wages paid to him as a loading chaprasi he must have come to support his case and denied the evidence as given by MW 1 Sri Singh. There is nothing on the record to disbelieve the ex parte evidence of MW 1. Further in the rejoinder filed on behalf of the workman it is clearly stated that he was definitely happy to get the job of loading chaprasi which is of a technical and supervisory nature and has been classified as such by Tribunal, Wage Boards and Wage Negotiation Machineries and that he had natural aspiration for the post of loading chaprasi, but he should get the protection of his wages. It may be mentioned that the management is still ready to take back the workman as wagon loader but he is not ready.

6 From the above facts it is clear that the concerned workman accepted the post of loading chaprasi and he is definitely happy with his post. There is nothing to show that at the time of conversion of his post he demanded any protection of pay, rather he was appointed on a higher rate of pay than what he was getting as a loading chaprasi. Moreover, the concerned workman cannot claim higher wages than his senior loading chaprasi working in the same depot. He was appointed as a loading chaprasi on a scale of pay then prevalent and he was happy with the post. Further though he was appointed in the year 1975 but till 1980 he had no grievance regarding his wages and it appears in the circumstances, that the union has filed this case and get the reference by way of gambling only though the concerned workman does not appear to be in any way interested in the case.

7 Considering the evidence and circumstances of the case, it is held that the concerned workman is not entitled to have his wages protected on being converted as loading chaprasi from wagon loader. He is not entitled to any relief.

8 I give my award accordingly.

J N SINGH Presiding Officer
[No L 20012/167/79 D III(A)]
A V S SARMA, Desk Officer

नई दिल्ली, 25 मार्च, 1981

कां० आ० 1198—केन्द्रीय सरकार ने यह समाधान हो जाने पर कि लोकहित में ऐसा करना अपेक्षित था औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 2 के खण्ड (३) के उपखण्ड (६) के उपबधों के अनुसरण में भारत सरकार के श्रम मन्त्रालय की अधिसूचना संख्या का० आ० 2648 तारीख 17 सितम्बर, 1980 द्वारा ताबा खनन उद्योग को उक्त अधिनियम के प्रयोजनों के लिए पहली अक्टूबर, 1980 में छ घास की कालावधि के लिए लोक उपयोगी मेवा घोषित किया था,

और केन्द्र सरकार की राय है कि लोकहित में उक्त कालावधि को छ घास की और कालावधि के लिए बढ़ाया जाना अपेक्षित है.

श्रत ग्रन्थ, औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 2 के खण्ड (३) के उपखण्ड (६) के परन्तुक द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार उक्त उद्योग को उक्त अधिनियम के प्रयोजनों के लिए पहली अप्रैल, 1981 से छ घास की और कालावधि के लिए सोक उपयोगी मेवा घोषित करती है।

[म० एस-11017/5/81-दी० १ (८०)]
ग्रन्थ के० नागरणन, ग्रन्थ मंचिव

New Delhi, the 25th March, 1981

S.O. 1198.—Whereas the Central Government having been satisfied that the public interest so required had, in pursuance of the provisions of sub-clause (vi) of clause (n) of section 2 of the Industrial Disputes Act, 1947 (14 of 1947), declared by the notification of the Government of India in the Ministry of Labour No S O 2648 dated the 17th September, 1980 the Copper Mining Industry to be a public utility service for the purposes of the said Act, for a period of six months, from the 1st October, 1980,

And whereas the Central Government is of opinion that public interest requires the extension of the said period by a further period of six months,

Now, therefore, in exercise of the powers conferred by the proviso to sub-clause (vi) of clause (n) of section 2 of the Industrial Disputes Act 1947 (14 of 1947), the Central Government hereby declares the said industry to be a public utility service for the purpose of the said Act, for a further period of six months from the 1st April, 1981

[No S 11017/5/81-D 1(A)]
L K NARAYANAN, Under Secy

New Delhi, the 27th March, 1981

S O 1199—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal cum-Labour Court No 3 Dhanbad in the industrial dispute between the employers in relation to the management of Mosaboni Group of Mines of Indian Copper Complex of Hindustan Copper Limited and their workman which was received by the Central Government on the 23-3-81

BEFORE THE CENTRAL GOVT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT NO 3, DHANBAD

Reference No 1/79.

PARTIES

Employers in relation to the management of Mosaboni Group of Mines of Indian Copper Complex of M/s Hindustan Copper Limited, P O Badia, Dist Singhbhum

AND

Their workman

APPEARANCES

For the Employers—Shri A K Sarkar, Advocate
For the Workman—Shri S Mishra, Vice-President
ICCW Union

INDUSTRY Copper

STATE Bihar

Dated the 17th March 1981

AWARD

The Govt of India in the Ministry of Labour in exercise of the powers conferred on them U/s 10(1)(d) of the Industrial Disputes Act, 1947 have referred the following dispute to this Tribunal for adjudication by their Order No L-29012/15/78 D III B dated the 21st July, 1979

SCHEDULE

1 Whether the action of the management of Mosaboni Group of Mines of Indian Copper Complex of M/s Hindustan Copper Ltd, P O Badia, Dist Singhbhum in terminating the services of Shri S Vishwanathan Nar, Plate Checker, w/e f 23-6-77 is justified? If not, to what relief the workman is entitled?

2 The case of the workman is that he was working as Plate Checker in Badia under Mosaboni Group of Mines from the year 1967. He was earlier suffering from T.B for which he had been treated in the year 1973 and was treated in Tata Main Hospital at the instance of the management. He was again unfit from 30-10-76 to 28-12-76 and again from 31-12-76 to 12-2-77. The above facts are however

not very material for the purpose of this reference. The main case, however, of the workman is that he took one day Casual Leave for some personal work on 26-2-77 and went to Jamshedpur where he fell ill. He got himself checked by Dr. G. C. Mahato who advised him for some tests. The Doctor after seeing the report on 2-3-77 informed him that he was attacked with T.B. Accordingly he came back from Jamshedpur on 3-3-77 and in the morning of 4-3-77 he went to Badia Mine Office to take the sick chit for his treatment in the Company's hospital. But the Badia Manager did not give him the said sick chit. He however handed over an application on the same day at 10-20 a.m. to Mines Superintendent, Mosaboni Mines to allow him sick chit for the treatment but no reply was given to his application. On that very day at 1-30 p.m. he posted a written application by post under certificate of posting to the Mines Superintendent. Thereafter he went back to Jamshedpur for his treatment on 8-3-77. He posted an application to the Mines Superintendent, Mosaboni under certificate of posting on 8-3-77 with a tached medical certificate for grant of P.T.B. leave, but no reply was received by him. He again sent another application under certificate of posting on 26-3-77 and again another application dated 12-6-77 was sent but no reply was received. He however sent an application on 4-7-77 by regd. post with acknowledgement due. He was all along under treatment of Dr. Mahato from 28-2-77 to 5-7-77 and the Doctor advised him to join duty after two weeks.

3. It is further alleged that he went to Badia Office on 14-7-77 to join his duty when he was informed that he was dismissed with effect from 12-6-77. He filed an application on 14-7-77 to Mines Superintendent and met the Personnel and Administrative Manager on the same day and was told that he had been dismissed. It is submitted that no chargesheet was ever framed against him and that he was not given any opportunity to defend himself and the alleged dismissal is illegal and invalid. It is prayed that he may be reinstated with full back wages.

4. The management has contested the case of the workman. It is stated in their written statement that Sri Nair was employed as a Mucker with effect from 10-7-67 and he continued to be so till the date of dismissal. It is submitted that in the reference he has been designated as Plate Checker which is not correct and this has been purposely done by the workman to get higher pay and promotion as Plate Checker. This point however is not material in this reference as the Tribunal has not to decide whether the workman was working as a Mucker or as a Plate Checker. Admittedly the post of Plate Checker is a higher post which is in the Geological Department of the management and not in the Mines Department in which the workman was employed as a Mucker. The main question is regarding the justification of the dismissal of the concerned workman.

5. On this point the case of the management is that the concerned workman Sri Nair never took his work seriously and very frequently he was absenting himself without leave or any information. He had earlier been dismissed from service on 5-6-68 for unauthorised long absence under Clause 9(viii) of the Certified Standing Orders. But on representation he was allowed to resume work again from 11-3-71 and the period of the absence was treated as leave without pay. In the month of December, 1973, it was disclosed that the workman had contacted T. B. for which the management granted him six months special T. B. leave. But even thereafter he was absenting himself and in the year 1976 it was found that he had absented himself without leave for consecutive period of 72 days from 6-12-74 to 18-2-75. The management however took lenient view and Sri Nair was allowed to resume duty and was awarded a token punishment of suspension for 4 days and warned as a last chance. In the year 1976 also he absented himself without permission from 3-8-76 till 3-12-76 but on the intervention of the L.E.O. (C) and at the request of Sri Nair he was again allowed to join his duty on his giving an undertaking that he would become regular and punctual.

6. It is alleged that notwithstanding all these Sri Nair started absenting himself from his duty without leave or information from 28-2-77 and he continued to remain absent for more than 10 consecutive days which was a misconduct under Clause 9(viii) of the Certified Standing Orders of the company and accordingly an explanation was asked for from him but no reply was received. The management held a domestic enquiry and full opportunity was offered to Sri Nair to defend himself but he did not avail of the same. The enquiry was however conducted exparte and as he was found

guilty of misconduct of absenting himself without permission or leave for more than 10 consecutive days his services were terminated with effect from 23-6-77.

7. The allegation that the concerned workman sent letter on 4-7-77 or on subsequent dates have been denied and it is stated that the management never received any such letter excepting a registered letter which was received on 6-7-77. On receipt of this letter the management sent a reply to the workman on 8-7-77 informing him that he had been dismissed from service with effect from 23-6-77 as he was absenting himself consecutively with effect from 28-2-77. Along with that reply a copy of letter of dismissal was also forwarded to him to his Jamshedpur address. It is submitted that the previous letters were also sent to the only address available with the management which was furnished by the workman and it was or his village home in Kerala. It is stated further that in the registered letter dated 4-7-77 it was clearly admitted by the workman that he went to Jamshedpur on 27-2-77 for some urgent work and he fell ill there and thereafter he could not join his service or inform the management. This according to the management clearly belies the story of the workman that he had sent any letter on 4-3-77 or on 8-3-77 or on 26-3-77. According to the management as the workman was absenting himself from 28-2-77 without any leave or permission and the period of absence was more than 10 consecutive days, he was dismissed under the relevant rules of the Standing Order after due enquiry and hence he is not entitled to be reinstated as prayed for.

8. The workman however has made some allegations against Sri A. K. Chandran, Mining Foreman and Sri S. K. Roy, Mining Manager which have been totally denied. On the above facts it is prayed that the reference be decided in favour of the management.

9. This case was heard on preliminary point by my predecessor-in-office as to whether the enquiry was fair and proper. My predecessor-in-office by his order dated 24-3-80 held that the enquiry which was an exparte one cannot be said to be fair and proper in the circumstances of the case. Thereafter the parties adduced their evidence on merits as also on the point as to whether the misconduct against the concerned workman has been proved or not.

10. The point for consideration is as to whether the dismissal of the concerned workmen with effect from 23-6-77 is justified and whether he is entitled to any relief.

11. It is not denied that the workman was suffering from T. B. in the year 1973 also for which he got himself treated in Tata Hospital at the instance of the management. From the service record Ext. M-12 it will appear that the workman was in the habit of absenting himself without permission for which he had been dismissed also but again he was reinstated. After that also he had absented on several occasions and was given certain minor punishments. Thus from the above facts it cannot be said that the management was in any way prejudiced to the workman, rather it will appear that the management was all along taking lenient view even if the workman was absenting himself off and on without permission.

12. The main issue however in this case is regarding the absence of the workman from 28-2-77 till the date of his dismissal. It is in the evidence of the workman himself that he was on leave till 15-2-77 and it was only on 16-2-77 that he had joined his duty. He had submitted a fitness certificate on that date granted by Dr. Mahato which is Ext. M-22. According to the rules however he was examined by the Company Doctor also and he was allowed to join only after fitness certificate was granted by the Company Doctor. Again admittedly the workman took Casual Leave for 26-2-77. The following day i.e. 27-2-77 was a Sunday and from 28-2-77 he absented himself. The ground for Casual Leave was 'some urgent work'. It was not mentioned that the workman was going to Jamshedpur for the said urgent work. It is in the evidence of MW-4 Sri S. P. Sarkar the then Manager of Badia Mines that the workman applied for Casual Leave on 26-2-77 which he granted though the workman was not entitled to any Casual Leave for that day and the leave was granted out of good gesture.

13. The question however remains as to whether the absence of the workman from 28-2-77 onwards till the date of his dismissal amounts to misconduct or not. In this connection the Standing Order of the company Ext. M-16 is relevant. Para 7, Clause 8 of Rule 9 of the Standing Order provides that the General Manager of the company and the Mines

Superintendent in case of frequent breach of the Mine Act reserve the right to dismiss summarily any permanent employee without notice or compensation in lieu thereof who after proper investigation is found guilty of the offence of absence without leave for more than 10 consecutive days.

14. Thus according to this Standing Order the management has the right to dismiss a permanent employee if he has absented himself without leave for more than 10 consecutive days. The only clause however is that the dismissal should be after proper investigation.

15. In the light of the above Standing Order it is to be seen as to whether proper investigation was made in this case or not as admittedly the workman absented himself for more than 10 consecutive days without any leave, as according to the management no leave was ever granted to him from 28-2-77 and onwards. In order to refute the point of the management the workman's case is that he had sent petitions for leave on 4-3-77, 8-3-77, 26-5-77 and finally on 4-7-77. The last letter was however sent by registered post which is admitted. But the workman had already been dismissed in the month of June '77 for the above period of absence.

16. According to the evidence as also written statement of the workman he went to Jamshedpur on 27-2-77 where he fell ill. He has however stated that on 4-3-77 he came to the Time Office and submitted an application for grant of sick leave. Ext. W-1 is said to be a copy of the said application which is addressed to the Mines Superintendent. From a perusal of this petition it will appear that he wanted sick chit for his treatment but there is no prayer for leave. The Mines Manager has denied in his evidence to have received any such letter. In the written statement however he has stated that on 4-3-77 he went to the Badia Time Office to take the sick chit but he was not allowed. It is in the evidence of the management that sick chits are issued by the Time Office and not by the Manager or any other Officer. In this connection the evidence of MW-7 Sri Bijay Kr. Giri and MW-3 Sri S. N. Naik, Time Keeper are relevant. MW-3 has stated that on 4-3-77 the workman never met him with a request for issue of sick chit and that Sri Bijay Giri MW-7 was taking attendance in respect of Badia section. The attendance register has been produced in this case which shows that on 4-3-77 the workman was absent. MW-7 has also stated that he is competent to issue the sick chits and that on 4-3-77 the workman did not approach him for the issue of any sick chit, so the question of refusing the sick chit does not arise at all. Thus the contention of the workmen that he went to Time Office on 4-3-77 and demanded sick chit has been denied. MW-2 is the Secretary to Dy. General Manager-cum-Mines Superintendent, Mosabani. According to the workman the letter Ext. W-1 dated 4-3-77 was handed over by him to the Secretary of the Mines Superintendent but this witness MW-2 has stated that no letter was ever handed to him.

17. Ext. W-2 is a copy of the letter alleged to have been sent by the workman on the same day i.e. 4-3-77 to the Mines Superintendent under certificate of posting. In this letter also mention of illness has been made but there is no prayer for leave. The above witness has denied that this letter was ever received by him. Ext. W-3 however is the certificate of posting under which this letter is purported to have been sent. According to the management the certificate of posting has been manipulated later on. I shall discuss this aspect of the case after discussing the other letters.

18. The next letter said to have been sent by the workman to the Mines Superintendent is Ext. W-4 dated 8-3-77. It is said to have been sent under certificate of posting which is Ext. W-5. This is the first letter in which he has prayed for P.T.B. leave. The receipt of this letter has also been denied by the Mines Superintendent as well as his Secretary. It is in the evidence of the workman that after 4-3-77 he went back to Jamshedpur for his treatment on 8-3-77. The letter dated 8-3-77 in the circumstances must have been sent from Jamshedpur but the certificate of posting shows that it was posted at Bokabani Mines Post Office.

19. Thereafter no correspondence was made by the workman till a letter dated 26-5-77 is alleged to have been sent by him (Ext. W-6) under certificate of posting and thereafter a copy of the same letter was sent by him (Ext. W-8) on 4-7-77 which is admitted by the management. In the letters Exts. W-6 and W-8 the workman has stated as follows :

"With due respect and humble submission I beg to say that on 27-2-77 I went to Jamshedpur for some urgent work and I suddenly fell ill and it is very difficult to inform you and join my service because I am the only male member of my family. At that time I am on medical P.T.B treatment in State Dispensary."

In these two letters it is not mentioned that the workman had sent petition for leave earlier also and it is clearly stated that it was difficult for him to inform the Mines Superintendent and join his service.

20. Further according to the workman himself he went to the office on 4-3-77 and handed over an application to the Assistant of the Manager as also on the same date sent a letter to the Mines Superintendent under certificate of posting. According to him certain officers of the management were not pleased with him. In that circumstance he ought to have obtained some receipt from the Assistant of the Mines Superintendent regarding receipt of his letter. The workman again alleges to have sent another letter on 8-3-77. Admittedly no reply was given to any of his letters nor was he informed whether leave had been granted to him or not. In that view of the matter it was his duty to go to the management's office and find out whether leave prayed for had been granted or not. He is a permanent employee of the management and it is presumed that he must be acquainted with relevant rules of the standing orders and that he must also be knowing that absence for 10 consecutive days without leave is a misconduct for which the management is entitled to dismiss him from service. It is not in the evidence of the workman that he was not in a position to move. Rather in his evidence he has said that he went to Mosabani Mine on 4-3-77 and returned back on 8-3-77. He thus remained at Mosabani Mines for 4 or 5 days. During that period he might have verified whether leave had been granted to him or not as he had already absented himself for 4 or 5 days without any leave. If the staff was not inclined to inform him about the result of his application he in usual course ought to have met to the higher authorities and prayed for leave and should have obtained order during his presence at the mines. But it was not done.

21. The workman admittedly has a background that on previous occasions also he had absented himself without leave but the management had taken lenient view of the matter and had let him off after allowing token punishment and had even given re-employment to him after he had been dismissed once for the same offence. Under these backgrounds it was incumbent upon the workman to be sure whether leave had been granted or not. But instead he kept quiet and he woke up after a long time on 26-5-77 or on 4-7-77 and sent petition for leave. The letter dated 26-5-77 sent under certificate of posting has also been denied on behalf of the management. MW-1 is Sri S. N. Lal the Mines Superintendent. He has denied to have received any of the letters sent prior to 4-7-77. He has stated that not only such letter was ever received in his office and the moment the letter dated 4-7-77 was received reply was given to the workman. He has further stated that no Receipt Register is maintained wherein letters received daily are serially entered. MW-6 Sri S. M. Pizwan Personnel Officer who has stated that he never received any letter dated 26-5-77. I have already discussed the evidence of MW-3 & MW-7 in this regard. There is no reason as to why an officer of the rank of Mines Superintendent or the Personnel Officer would have denied the receipt of any letter prior to 4-7-77 if that would have been actually sent to them. The Mines Superintendent or the Personnel Officer had apparently no grudge or enmity with the concerned workman who was a low paid employee. Further if the ground of T. B. would have been taken I do not think any officer of the rank of the Mines Superintendent or Personnel Officer would have refused to grant leave or sick chit to the workman if he had prayed for the same and would have suppressed these letters. The management is a Govt. Concern and not a private company.

22. In view of the denial made by higher officials of the management it was for the workman to prove that these letters were actually received by the management. The certificate of posting utmost may give rise to the presumption that the letters were posted but no presumption can be drawn that they were actually received by the addressee. Further it is not very difficult to procure ante-dated certificate of posting and from the circumstances of the case it appears that the workman remained absent without leave from 28-2-77 onwards and as he was absent without leave for more than 10 consecutive

days the management was perfectly justified to dismiss him from service with effect from 23-6-77.

23. The workman has filed certain prescription and clinical report regarding his illness and they are Exts. W-16, W-18, W-19 and W-21. Ext. W-21 is the X-Ray report dated 5-7-77, Ext. W-20 is the pathological report dated 4-7-77. They are after the date of dismissal of the workman and are not material. Further the concerned Doctor has not been examined. The only relevant document however is Ext. W-16 dated 28-2-77 which shows that Dr. Mahato WW-2 advised him for examination of blood etc. Ext. W-17 is the report of sputum by Dr. Ahmed a private practitioner who has not been examined. Ext. W-26 is another prescription of Dr. Mahato prescribing some medicine.

24. According to the management these are all fake documents and have been manipulated only to make out a case of sickness. Dr. Mahato has no doubt been examined to support his prescription. It is however in the evidence of the management as also admission of the concerned workman that there is a big hospital at Mosaboni Mines and mine personnel obtain treatment from that hospital for all complaints. It is also admitted by the workman that from 1974 onwards Specialised Doctors in several diseases as well as T.B., E&T, Dentist are working in the said hospital. Dr. Mahato WW-2 has admitted in his cross-examination that he is not specially qualified in chest diseases and in Jamshedpur, T.I.S. Co. and T.E.L. Co; have got separate well equipped chest clinics and there are best Specialists attached to these hospitals besides there is Sir Ardeshi Dalal T.B. Hospital at Jamshedpur reputed to be the best in the East. In all these hospitals treatment for T.B. are free or the charges are quite nominal. It is admitted by Dr. Mahato further that at Jamshedpur Govt. hospital there is a chest clinic where patients are treated free of cost. Inspite of all these it is not understandable as to why the workman Sri Nair did not utilise the services of these hospitals for so many months and stuck to Dr. Mahato only. Further he had been to Mosaboni admittedly on 4-3-77 and remained there till 8-3-77. It is in the evidence of the management that even outdoor patients are treated in Mosaboni Mines Hospitals. Admittedly there are several Specialists including Specialists in T.B. in Mosaboni Miney Hospital where the employees can get free treatment. Inspite of all these the workman did not get himself treated in Mosaboni Hospital and choose to remain at Jamshedpur under the treatment of an ordinary Doctor. All these facts and circumstances make the case of the concerned workman highly suspicious and there was sufficient evidence before the management to show that the workman was absenting himself without leave and had taken a false plea of sickness.

25. Under the above circumstances it cannot be held that no proper investigation was made by the management rather the evidence is more than sufficient to hold that the workman had absented himself without leave for more than 10 consecutive days and was liable for dismissal by the management.

26. The workman however has filed certain letters to show that he had made complain against the misbehaviour of Sri A. K. Chandran, Mines foreman and Sri S. K. Roy and that Sri S. K. Roy had given him warning also. This fact has been denied. Further Sri S. K. Roy has been examined as MW-5 and he has come to say that he had never threatened the concerned workman and the allegation made against him is incorrect. Sri Chandran is no longer in service.

27. Other documents filed by the parties are not at all relevant for the purpose of this case.

28. Considering all the above facts and circumstances of the case, I hold that the dismissal of the concerned workman is justified under Clause 9(viii) of the Standing Orders and he is not entitled to any relief.

29. The award is given accordingly.

J. N. SINGH, Presiding Officer
[No. L-29012/15/78-D. III(B)]

K. K. HANNA, Under Secy.

New Delhi, the 27th March, 1981

S.O. 1200.—In pursuance of section 17 of the Industrial Disputes Act, 1947(14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal, Hyderabad, in the industrial dispute between the employers in relation to the management of Singareni Collieries Company Ltd., Mahaveer Khan No. 3 Incline, Belampalli Division 3 and their workmen, which was received by the Central Government on the 23-3-1981.

BEFORE THE INDUSTRIAL TRIBUNAL (CENTRAL)
AT HYDERABAD.

Industrial Dispute No. 12 of 1980

BETWEEN

Workmen of Messrs. Singareni Collieries Company Limited, Mahaveer Khan No. 3 Incline, Belampalli Division 3.

AND

The Management of Messrs. Singareni Collieries Company Limited, Mahaveer Khan No. 3 Incline Belampalli Division 3.

APPEARANCES :

Sri S. Nagaiah Reddy, President, Tandur Coal Mines Labour Mines Labour Union (I.N.T.U.C.) Bellampalli (PO) S. C. Railway, Adilabad District for the workmen in person.

Sri K. Srinivasa Murty, Hon Secretary of the A.P. Federation of Commerce and Industry for Management.

AWARD

The Government of India, Ministry of Labour, under Sections 7A and 10(1)(d) of the Industrial Disputes Act, 1947 by its Order No. L-21011(16)/80-D.IV.B, dated 27th September, 1980 has referred to this Tribunal the following issues for adjudication in the Industrial Disputes between the Workmen and the Management of Singareni Collieries Company Limited, Mahaveer Khan No. 3 Incline, Bellampalli Division III.

SCHEDULE

Is the management of Messrs. Singareni Collieries Company Limited, Bellampalli Division III justified (i) in not confirming Sarveshri Iftakaruddin and 14 other temporary tunnal Mazdoors of Mahaveer Khan No. 3 Incline, Bellampalli Division III as General Mazdoor on completion of one year's service, (ii) in not paying the increments, and (iii) in not paying the House rent allowance from 1-1-79. If not, to what relief are the concerned workmen entitled ?

2. The reference was registered by this Tribunal as Industrial Dispute No. 12 of 1980 and notices were sent to the parties concerned.

3. A joint memo dated 16-3-1981 was filed by the Workmen and the Management of Messrs. Singareni Collieries Company Limited, Mahaveer Khan No. 3 Incline, Bellampalli Division 3 praying for passing an award in terms of the Settlement. Sri D. Subramanyam, Divisional Personnel Officer, Bellampalli who is authorised by Sri P. R. Ahuja General Manager, Singareni Collieries, Bellampalli area to represent him and Sri S. Nagaiah Reddy, President, T.C.M.L. Union, Bellampalli are present today and they admitted the terms of the settlement.

4. After having through the terms of the Settlement, It can be stated that it is just and proper and it is in the interest of both the concerned workmen and also the Management. Such proper and just settlements have to be accepted in order to see that cordial relationship between the Workmen and the Management is maintained. Hence, in the circumstances, it is a fit case for passing the Award in terms of the settlement.

5. Award is passed accordingly in terms of the settlement between the parties Copy of the settlement is herewith attached as part of the Award.

Dictated to the Stenographer, transcribed by him and corrected by me and given under my hand and the seal of this Tribunal, this the 16th day of March, 1981.

V. NEELADRI RAO, Presiding Officer
Appendix of Evidence

—NIL—

Industrial Tribunal.
No. L-21011(16)80-IV(B)

MEMORANDUM OF SETTLEMENT ARRIVED AT
UNDER SECTION 12(3) OF THE I.D. ACT, 1947 AND
RULE 58(4) OF I.D. (CENTRAL) RULES, 1957 BETWEEN
THE MANAGEMENT OF SINGARENI COLLIERIES
COMPANY LIMITED, BELAMPALLI DIVISION-III AND
THEIR WORKMEN REPRESENTED BY T.C.M.L. UNION
ON 28-2-1981.

PARTIES PRESENT

On behalf of Management :

1. Sri S. P. Ahuja,
General Manager,
Belampalli.
2. Sri P. Papa Rao,
Sr. Personnel Officer,
Belampalli.

On behalf of Union :

1. Sri S. Nagaiah Reddy,
President,
T.C.M.L. Union.

Short Recital of the Case :

The T.C.M.L. Union raised a dispute in respect of 30 Temporary Tunnel Mazdoors appointed in 1976 and 1977 and working at MVK.3 Incline claiming confirmation after 3 months, grant of increments after one year of service and house rent allowance from 1-1-1979. The contention of the Management was that the 30 T.T.Ms., were confirmed with effect from 1-3-1980 and granted one increment with effect from 1-3-1980 since there were no existing vacancies prior to the date and house rent allowance and annual increments are attendant benefits and were paid from 1-3-1980. This dispute ended in a failure at conciliation after the L.I.E.O.(C) Mancherial Verified and found that the dispute pertains to 15 persons. This issue was referred to the Industrial Tribunal (Central) Hyderabad for adjudication in the following terms in respect of 15 workmen only and registered as I.D. 12 of 80.

"Is the Management of Messrs. Singareni Collieries Company Limited, Belampalli Division-III justified (i) other temporary tunnel Mazdoors of Mahaveer Khani No. 3 Incline, Belampalli Division-III as General Mazdoors on completion of one year's service (ii) in not paying the increments, and (iii) in 1-1-1979, if not, to what relief are the concerned not paying the House Rent Allowance from workmen entitled?"

The matter was discussed between the management and the Union at length and to maintain Industrial harmony and cordial relations, it has been agreed as under :

The Management and Union agree that (i) the 15 T.T.Ms., under reference in this dispute be confirmed with effect from 1-3-1979 instead of 1-3-1980 and designated as General Mazdoors. Without prejudice to their present emoluments, they will be required to work as Tunnel Mazdoors at MVK.2 Incline.

(ii) Granted increment with effect from 1-3-1979 instead of 1-3-1980.

(iii) House Rent Allowance be paid with effect from 1-3-1979 as a special case to these workmen under reference.

(iv) The arrears that become payable on this account would be paid in two months time after receipt of the award.

(v) The Union accepts this settlement as full and final settlement against their claim filed before the Tribunal in I.D. 12 of 80 and

(vi) Parties agree to file this settlement before the Tribunal for passing an award in these terms.

Representing Management :

1. (S. P. AHUJA),
General Manager,
Belampalli.
2. (P. Papa Rao),
Sr. Personnel Officer,

Witnesses :

Belampalli,

Representing Union .

1. (S. Nagaiah Reddy),
Belampalli,
President,
T.C.M.L. Union,
1. Illegible
2. Illegible

नई दिल्ली, 28 मार्च, 1981

का० आ० 1201 :—वेन्ट्रीय सरकार, कर्मचारी राज्य बीमा अधिनियम, 1948 (1948 का 34) की धारा 87 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, और भारत सरकार के श्रम मंत्रालय की अधिसूचना संख्या का० आ० 1259, दिनांक 17 अप्रैल, 1980 के अनुक्रम में, इन्स्प्रेक्टरेशन लिमिटेड, कोटा (राजस्थान) को उक्त अधिनियम के प्रबंधन से, पहली जुलाई, 1980 से 30 जून, 1981 तक जिसमें यह तारीख भी समिलित है, एक वर्ष की और अवधि के लिए छूट देती है।

2. पूर्वीकृत छूट की शर्तें निम्नलिखित हैं, अर्थात् :—

(1) उक्त कारब्बाने का नियोजक, उस अवधि की बाबत जिसके द्वारा उस कारब्बाने पर उक्त अधिनियम प्रवर्तनमान था (जिसे इसके पश्चात् उक्त अवधि कहा गया है), ऐसी विवरणियां ऐसे प्रृष्ठ में और ऐसी विशिष्टियों सहित देंगा जो कर्मचारी राज्य बीमा (माधारण) विनियम, 1950 के अधीन उसे उक्त अवधि की बाबत देनी थीं ;

(2) नियम द्वारा उक्त अधिनियम की धारा 45 की उपधारा (1) के अधीन नियुक्त किया गया कोई निरीक्षक या नियम का इस निमित्त प्राधिकृत कोई अन्य पदधारी :—

(1) उक्त अधिनियम की धारा 44 की उपधारा (1) के अधीन उक्त अवधि की बाबत दी गई किसी विवरणी की विशिष्टियों को सत्यापित करने के प्रयोजनार्थ ; या

(2) यह अधिनियम करने के प्रयोजनार्थ कि कर्मचारी राज्य बीमा (माधारण) विनियम, 1950 द्वारा यथा अपेक्षित रजिस्टर और अभिलेख उक्त अवधि के लिए रखे गये या नहीं ; या

(3) यह अधिनियम करने के प्रयोजनार्थ कि कर्मचारी, नियोजक द्वारा दिए गए उन फायदों को, जिसके प्रतिफलस्वरूप इस अधिसूचना के अधीन

- छूट दी जा रही है, नकद में और वस्तु रूप में पाने का हक्कदार बना हुआ है, या नहीं; या
- (iv) यह अभिनिश्चित करने के प्रयोजनार्थ कि उस अवधि के द्वीरान जब उक्त कारखाने के संबंध में उक्त अधिनियम के उपबन्ध प्रवृत्त थे, ऐसे किन्हीं उपबन्धों का अनुपालन किया गया था या नहीं;

निम्नलिखित कार्य करने के निये समर्पित होंगा:—

- (क) प्रधान या अव्यवहित नियोजक से अपेक्षा करना कि वह उसे ऐसी जानकारी दे जिसे उपरोक्त निरीक्षक या अन्य पदधारी आवश्यक समझता है; या
- (ख) ऐसे प्रधान या अव्यवहित नियोजक के अधियोगधीन किसी, कारखाने, स्थापन, कार्यालय या अन्य परिसर में किसी भी उचित समय पर प्रवेश करना और उसके प्रधारी से यह अपेक्षा करना कि वह व्यक्तियों के नियोजन और मजदूरी के संबंध से संबंधित ऐसे लेखा, बहियां और अन्य दस्तावेज, ऐसे निरीक्षक या अन्य पदधारी के समक्ष प्रस्तुत करें और उनकी परीक्षा करने दें, या उन्हें ऐसी जानकारी दें जिसे वे आवश्यक समझते हैं; या
- (ग) प्रधान या अव्यवहित नियोजक को, उसके अधिकारी या सेवक की, या ऐसे किसी व्यक्ति की जो ऐसे कारखाने, स्थापन, कार्यालय या अन्य परिसर, में पाया जाए, या ऐसे किसी व्यक्ति की जिसके बारे में उक्त निरीक्षक या अन्य पदधारी के पास यह विश्वास करने की युक्तियुक्त कारण है कि कर्मचारी है, परीक्षा करना; या
- (घ) ऐसे कारखाने, स्थापन, कार्यालय या अन्य परिसर में रखे गए किसी रजिस्टर, लेखाबंदी या अन्य दस्तावेज की नकल तैयार करना या उससे उद्धरण लेना।

स्थानात्मक ज्ञापन

इस मामले में पूर्वपिक्षी प्रभाव से छूट देनी आवश्यक हो गई है, क्योंकि छूट के लिए प्राप्त आवेदन-पत्र की कार्रवाई पर समय लगा। तथापि, यह प्रमाणित किया जाता है कि पूर्वपिक्षी प्रभाव से छूट देने से किसी के हित पर प्रतिकूल प्रभाव नहीं पड़ेगा।

[संख्या एस-०-३८०१४/१५/८०-एच० आई०]

एन० बी० चावला, उप सचिव

New Delhi, the 28th March, 1981

S.O. 1201.—In exercise of the powers conferred by section 87 of the Employees' State Insurance Act, 1948 (34 of 1948), and in continuation of the notification of the Government of India in the Ministry of Labour No. S.O.1259, dated the 17th April, 1980, the Central Government hereby exempts the Instrumentation Limited, Kota (Rajasthan) from the operation of the said Act for a further period of one year with effect

from the 1st July, 1980 upto and inclusive of the 30th June, 1981.

2. The above exemption is subject to the following conditions, namely :—

(1) The employer of the said factory shall submit in respect of the period during which that factory was subject to the operation of the said Act (hereinafter referred to as the said period), such returns in such form and containing such particulars as were due from it in respect of the said period under the Employees' State Insurance (General) Regulations, 1950,

(2) Any Inspector appointed by the Corporation under subsection (1) of section 45 of the said Act or other official of the Corporation authorised in this behalf shall, for the purposes of,—

- (i) verifying the particulars contained in any return submitted under sub-section (1) of section 44 of the said Act for the period; or
- (ii) ascertaining whether registers and records were maintained as required by the Employees' State Insurance (General) Regulations, 1950 for the said period; or
- (iii) ascertaining whether the employees continue to be entitled to benefits provided by the employer in cash and kind being benefits in consideration of which exemption is being granted under this notification; or
- (iv) ascertaining whether any of the provisions of the said Act has been complied with during the period when such provisions were in force in relation to the said factory;

be empowered to—

- (a) require the principal or immediate employer to furnish to him such information as he may consider necessary; or
- (b) enter any factory, establishment, office or other premises occupied by such principal or immediate employer at any reasonable time and require any person found in-charge thereof to produce to such Inspector or other official and allow him to examine such accounts, books and other documents relating to the employment of persons and payment of wages or to furnish to him such information as he may consider necessary; or
- (c) examine the principal or immediate employer, his agent or servant or any person found in such factory, establishment, office or other premises or any person whom the said Inspector or other official has reasonable cause to believe to have been an employee; or
- (d) make copies of or take extracts from, any register, account book or other document maintained in such factory, establishment, office or other premises.

EXPLANATORY MEMORANDUM

It has become necessary to give retrospective effect to the exemption in this case, as the processing of the application for exemption took time. However, it is certified that the grant of exemption with retrospective effect will not affect the interest of anybody adversely.

[No. S. 38014/15/80-HI]

N. B. CHAWLA, Dy. Secy.

New Delhi, the 28th March, 1981

S.O. 1202.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal No. 2, Bombay, in the industrial dispute between the employers in relation to the management of Messrs Eleshao Pereira and Sons, Vasco-da-Gama, Goa and their workmen, which was received by the Central Government on the 24th March, 1981.

**BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL
TRIBUNAL NO. 2, BOMBAY**

Reference No. CGIT-2/5 of 1980

PARTIES :

Employers in relation to the Management of Messrs Elesbaos Pereira & Sons, Vasco-da-Gama, Goa,

AND

Their Workmen

APPEARANCES :

For the Employers.—No appearance

For the Workmen.—Shri S. D. Pawooskar, Advocate.

INDUSTRY : Ports and Docks **STATE :** Goa, Daman & Diu
Bombay, dated the 2nd March, 1981

AWARD

The Government of India, in the Ministry of Labour in exercise of the powers conferred on them under Section 10(1)(d) of the Industrial Disputes Act, 1947 has referred the following industrial dispute to this Tribunal for adjudication as per their order No. L-36011/3/79-D.IV(A) dated 7-4-1980 :—

"Whether the management of Messrs Elesbaos Pereira & Sons are justified in refusing to pay the wages as per the recommendations of the Wage Revision Committee for Port & Dock Workers to 100 Sling workmen employed by them from 1st April, 1979 onwards in handling Sugar, Oil Cake and Alumina in Mormugao Harbour? If not, to what relief are the concerned workmen entitled?"

The parties were served with notice by Registered Post for their appearance on the first hearing date 28-5-1980. The workmen's counsel submitted an application dated 22-5-80 requesting the Tribunal to have the hearing of this case in Goa. The General Secretary of the Union submitted a memo, dated 20-5-1980 for extending the time to file claim statement by four weeks. There was no appearance on behalf of the management on 28-5-1980. The case was then posted to 27-6-80 for filing of the respective statements of the parties and by Registered post they were informed of the next hearing date. The notice were received by the parties but the failed to appear on the date fixed. The Court called the matter on 30-6-80 to see whether the parties have sent their statements by post as there was no appearance on 27-6-80. No statements were received by post either. The Court fixed the next hearing date for 21-7-80 and the parties were again informed of the hearing date by Registered post A.D. The notice were served on the parties but there was no appearance of either party. The matter was kept for 29-8-80 for filing claim/written statement. Notice for this hearing date was also served on the parties but there was no response. The matter was then called on 14-10-80 for which hearing date also notice sent by Registered post was served on the parties but to no effect. Time was again extended till 28-11-80 for receipt of the statements and the parties were accordingly informed of the next date by Registered post. On 13-11-80, the claim statement of the workmen was received, and there was no appearance of the management on 28-11-80. The matter was posted to 31-12-80 for the written statement of the management and also for hearing. This notice was also served on the management but they did not appear, nor did they file the written statement. The case was therefore posted on 1-1-81 for receipt of written statement, if any. On 1-1-81 a memo, dated 29-12-80 was received from the General Secretary requesting the Court to fix the hearing of the matter in Goa. Accordingly the hearing was fixed at Mormugao on 26-2-81 and a notice dated 3-2-81 to this effect was issued to the parties by Registered post A.D. The said notice was received by the management on 7-2-81 but yet they did not appear before the Court. No written statement also was submitted. Under the circumstances this case is being disposed of in the absence of the management.

From the statement of claim on behalf of the workmen, it is seen that the workmen are 100 in number working as Sling workers. They claim to be permanently working for the Employer company ever since 1-4-79. They are engaged for unloading of Sugar, Oil Cakes, Alumina from the wagon to the ship at Mormugao Harbour. They are Dock workers within the meaning of the Dock Workers (Regulation of Employment) Act and the Recommendations of the Wage Revision Committee for Port and Dock workers are applicable to them. They say they are entitled to the benefits of the Revised Wages as per the recommendations of Wage Revision Committee but the management failed to pay them the enhanced wages from 1-4-79 though a demand to this effect was made several times. The workmen raised an industrial dispute through their Union viz., Mormugao Water Front Workers' Union, before the Assistant Labour Commissioner (C), Vasco-da-Gama, Goa. Efforts at conciliation having failed a failure of conciliation report was submitted by the Assistant Labour Commissioner to the Government of India, Ministry of Labour who on receipt of the same have referred the said dispute to this Tribunal for adjudication. The workers pray that they are entitled to arrears of wages/salary right from 1-4-79 as per the Wage Revision Committees' recommendations.

In the absence of evidence to the contra, I see no reason why the claim of the workmen could not be upheld. The management has remained absent on every hearing date as detailed above.

In the result, this reference is answered as follows :—

The management of M/s. Elesbaos Pereira & Sons are not justified in refusing to pay the workmen herein their wages as per the recommendations of the Wage Revision Committee from 1-4-79. The management is directed to pay the workmen herein the arrears of wages as per the Wage Revision Committees' recommendations from 1-4-79.

Sd/-

16-3-1981.

P. RAMAKRISHNA, Presiding Officer.
[No. L-36011/3/79-D.IV(A)]

New Delhi, the 28th March, 1981

S.O. 1203.—In pursuance of section 17 of the Industrial Disputes Act, 1947, (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal Hyderabad, in the industrial dispute between the employers in relation to the management of Visakhapatnam Port Trust, Visakhapatnam and their workmen, which was received by the Central Government on the 17th March, 1981.

BEFORE THE INDUSTRIAL TRIBUNAL (CENTRAL) AT HYDERABAD

PRESENT :

Industrial Dispute No. 1 of 1979
BETWEEN

Workmen of Visakhapatnam Port Trust, Visakhapatnam.

AND

Management of Visakhapatnam Port Trust, Visakhapatnam.

APPEARANCES :

- (1) Sri E. S. Ramachandra Murty, Advocate for the Workmen.
- (2) Sri K. Srinivasa Murty, Advocate and Hon. Secretary of A. P. Federation of Commerce and Industry for the Management.

AWARD

Under Section 7A and 10(1)(d) of Industrial Disputes Act, 1947, the Government of India, Ministry of Labour, New Delhi referred to this Tribunal the following dispute

between the Workmen and the Management of Visakhapatnam Port Trust, Visakhapatnam, by its letter No. L-34011(7)/78-D.IV(A), dated 10th January, 1979 :—

SCHEDULE

"Whether the action of the management of Visakhapatnam Port Trust in treating the Machinists working in the Ore Handling Complex as non-operational staff is justified? If not, to what relief are the concerned workmen entitled?"

2. The case of the Workmen is as follows :—

- (i) In 1975 the Management of the Port Trust, that is the Respondent herein, classified the workmen in Port into 'Operational' and 'Non-Operational' for various purposes including the purpose of posting. Whether it leave vacant as in the case of workmen classified as operational, a substitute is appointed by promotion when the period of leave is 21 days and above, and in respect of non-operational, the minimum period for posting a substitute, is one month.
- (ii) Some sections of the Port work for all the 24 hours i.e. round the clock, and the rest of the sections barring office clerks work in one shift of 8 hours. The sections which are connected with the cargo handling, dredging and shipping movements etc., work round the clock in three shifts, and various categories of workers are posted in these shifts. The deployment of workers is such that uninterrupted process of cargo handling is assured.
- (iii) The Ore Handling Complex (DHC) contains different types of sophisticated equipment and they are located in DHC and a conveyor belt of 3 Kms. long. When the loading of iron ore into the vessel starts, it goes on till the loading is completed. To ensure uninterrupted loading, maintenance workers (staff) such as Fitters, Welders, Motor Mechanics, Machinists attending to the running repairs etc., immediately are also posted in all the three shifts. All these workers attend to the running repairs so that the loading operations are carried on uninterruptedly. Hence machinist is as important as fitter and as operational as welder and others.
- (iv) The categories of workers listed as operational reveal that store assistants in the same DHC, and store issuer in the Civil Engineering Department of the Port Trust are classified as operational posts. In the circumstances the operational is a misnomer and it should be read as essential or important.
- (v) Hence the exclusion of the mechanist in DHC from the list of operational posts and classification of the same as non-operational is untenable and discriminatory. Hence they want the Management to treat the posts of mechanists in DHC as operational posts for the purpose of appointing substitute.

3. The case of the Respondent-Management is briefly as follows :—The duties and responsibilities of mechanists in Grade I & II are as follows :—

Machinists (Grade II) (Skilled Category).—To carry out machining jobs of any kind on more than 2 types of machines at a skilled level and to the fine standards of all kinds of machinery parts and be able to work on any metal works as per drawings.

Machinists Grade I (Highly Skilled).—To carry out jobs of highly skilled nature in the trade.

The Management in consultation with the local recognised unions, including the claimant union, prepared a list of various categories of posts to be treated as operational and as per these discussions, the agreed principles to decide whether a post is operational or non-operational were formulated. They are (1) Whether the work of that category has got direct bearing on the operation of the plant or

not, and (2) Whether man to man relief was necessary. The mechanists who are working in DHC are only non-operational as they attend to the running repairs/maintenance of the machinery at the workshop and they are only maintenance staff. The working day will not come to a standstill, even if this workshop does not function during a particular time. No man to man relief is necessary in case of machinery. If the mechanist in the workshop goes on leave suddenly, his work can be shared by the other mechanists working in the same shift. The welders and fitter are attached to the actual maintenance of the plant and hence they were declared as operational along with the other categories attached to the plant. Merely due to the fact that the mechanists are posted in 3 shifts (during evidence and arguments it was represented for the Respondent that the mechanists in DHC are posted in 2 shifts only and not in 3 shifts as averred in the counter), it cannot be said that they are operational staff. Based on the quantum of work to be performed and the availability of machinery, shifts are arranged and this cannot be said as a criterion to decide whether the work was operational or maintenance work. The work of mechanist is a maintenance job which is done by allocation in groups of workers, unlike operational staff. The work of mechanist in short leave vacancies, is managed by the existing workers and that work is not managed with lower categories by denying posting. As such, there is no justification to treat the category of mechanists of DHC site workshop as operational, and the union's statement that the mechanist was as important as fitter and as operational as welder and others is not correct and cannot be accepted. The allegations of the workmen/union, that the act of the Management in treating the post of mechanist in DHC as non-operational was discriminatory and untenable, are not true and correct.

4. Though it was alleged in the counter that as the workmen did not file the claims statement within the date fixed by this Tribunal, its claims statement cannot be entertained and on that ground their claim has to be rejected in limine. It was not urged like that, and hence there is no need to consider about it.

5. The points to be considered are :—

- (1) Whether the mechanists working in DHC have to be considered as operational and
- (2) If so, to what relief they are entitled to ?

6. Point 1.—It is common knowledge that in various industries and establishments in our Country, the period of each shift is 8 hours. So all or some sections in some factories function in 3 shifts. Some sections may function for 2 shifts and some sections may function only in general shift. If the machinery in a factory is such that it has to be run round the clock without interruption, it is necessary to run that factory in 3 shifts, and naturally the workers who have to work at the machinery, and in the sections which are having bearing in regard to the operation of the machines, work in 3 shifts. Even though in regard to some factories the machineries are not such as to run them round the clock, even though they can be easily be stopped on each day and recommenced on the following day, still some such factories may function in 3 shifts so as to achieve maximum production with the same machinery. For the same reason, some such factories may function in 2 shifts, and in such a case some sections of such factories may function in 2 shifts while the rest of the sections of such factories may function in general shifts. Similarly if work load to be attended to cannot be coped up by working only in general shifts, then such establishments or factories can work in 2 shifts. Generally working in 2 shifts may arise in case of workshops, if tools available are limited while the work to be turned out is relatively more.

7. In the claims statement, it was not stated that the mechanists in DHC site workshop, that is the concerned mechanists, work in 3 shifts. It is true that in the counter for the Respondent-Management, it was stated that they work in 3 shifts. But M.W.I the Executive Engineer, Mechanical in DHC in this Port Trust deposed that they work in 2 shifts, and the shifts are from 6.00 to 14.00 hours and 14.00 to 22.00 hours and there is no third shift for

these machinists. Ex. M3 muster register of DHC workshops shows that they work only in 2 shifts. Ex. M2 log book of the machinists of this workshop is filed to show that the work left out by one machinist may be taken up by the same machinist on the following day or it may be continued by the machinist working in the second shift. Even W.W. I admitted that the machinists in OHC site workshop generally work in 2 shifts. Hence in view of Exs. M2 and M3 the evidence of M.W.1 that these machinists work only in 2 shifts can be believed, and the averment in the counter that they work in 3 shifts can be treated as a type mistake as urged for the Respondent.

8. There are various sections in the Port Trust at Vizag. The Visakhapatnam Harbour and Port Workers' Union addressed a letter dated 24-3-1975, of which Ex. W1 is copy, to the Chairman, Visakhapatnam Port Trust requesting him to arrange to clarify as to what are categories of workers coming under operational and non-operational staff of various departments for their information as officiating arrangements in leave vacancies for 21 days were made for operational staff. M.W.2 deposed that then the Port Trust initiated discussions for the classification of the workers of the Port Trust as operational and non-operational. It is also clear from the evidence of M.W. 2 that the said classification has become necessary as leave vacancy for 21 days or more was filled up in the case of operational staff, while in the case of non-operational staff such leave vacancy was filled up when it was for more than 31 days. The contention for the workman is that by treating the machinists as non-operational, the chances for promotion to this category had become less as leave vacancies for a period less than 31 days are not filled up, and such vacancies could have been filled up if they are for 21 days or more, if the same category is treated as operational. That is the benefit that is claimed if the machinists are treated as operational instead of non-operational. Though it was stated that the age of superannuation for operational staff was fixed at 60 years and for non-operational staff at 58 years, it was admitted for the workman that the age of superannuation even for machinists was fixed at 60 years, and hence that distinction does not arise at all between operational and non-operational staff.

9. Before considering this point, it is necessary to know what is meant by operational, and what are the duties of the machinists.

10. It is stated for the Respondent-Management that if the work of a concerned workman is having a direct bearing with the working of the plant, then it has to be stated that his work is operational. So in classifying the workers as operational and non-operational, the two guidelines followed are:— (1) Involvement of the operations or the movement of the ships and (2) whether man to man relief is required for the operation in question, and if both of them were satisfied, those categories were treated as operational staff, and the rest were treated as non-operational staff (vide deposition of M.W. 2). The machinists in DHC site workshop do not satisfy the above requirements as they generally do the job of turning, drilling of holes in liner plates, machining the bushes to sizes and other miscellaneous work for machining and they attend to repairs of many replaceable parts like rollers, bushes, pins, bolts etc., and after those repairs are affected, they are kept as spares for meeting exigencies.

11. In the Port Trust at Visakhapatnam, the loading of ships with ore takes place round the clock. So the Ore Handling machines work round the clock. So all the members of the staff who have to attend to the operation of those machines, have to work in 3 shifts. So in such a case, their work is having bearing with the operation of the machines and in their case, man to man relief is necessary. The workmen in those cases admittedly come under the category of operational staff, and there is no dispute about it.

12. I already observed that machinists in OHC site workshop work in 2 shifts. The very fact that they work in 2 shifts indicates that man to man relief is not required for their work. So one of the guidelines referred to by M.W. 2

does not satisfy in regard to these machinists. Further those machinists do not work at the machines which are in operation. They work only in the workshops. They do not attend to the repairs of the machines in motion. They only affect repairs to the parts that are sent to the workshop. There is no need to affect repairs to such parts immediately for the operation of the machines in OHC. After the repairs for the said parts are affected, they are kept in the stores for being used as and when their need arises. So it cannot be stated that absence of the machinists in OHC site workshop at any time results in stoppage of the working of the machinery in OHC. It may be noted that it is not the case of the machinists that 3 shifts should be arranged for them. So it is clear that machinists do not come under the category of such workmen whose presence is essential for the running of the machines in OHC, and whose absence results in stoppage of such machines.

13. But in the claims statement, it is stated that machinist is as important as fitter and as operational as welder and others. M.W. 1 deposed that fitters and welders have to attend to the duties at the plant in all the 3 shifts. Of course it is elicited from M.W. 1 that the qualifications for machinists and fitters and welders are same. It is rightly urged for the Management that the question whether a particular category of workmen should be treated as operational or not does not depend upon the qualifications of such workmen or upon the skills of such workmen, for the only point that has to be considered is whether their presence is essential for the running of the machines. M.W. 1 deposited cross-examination that when the plant is in operation, the fitters and welders have to attend to preparatory work and during other periods they have to check the equipment and they cannot work on plant while it is in operation. But when it is not disputed that fitter and welders have to work in all the 3 shifts and when their presence is necessary for attending to the repairs of the machines in case of breakdowns of the machinery, it has to be stated that in their absence, the machines cannot be immediately repaired and it may result in stoppage for long period than necessary. So fitters and welders were properly treated as operational, even though they need not work for all the time when the machines are in operation.

14. In para 4 of the claims statement, it was averred that the categories of workers listed as operational reveal that store assistants in the same OHC and store issuer in the Civil Engineering Department of the Port Trust are classified as operational posts and so it has to be held that the word operational means essential or important. Hence it was urged for the workmen that the work of machinist is essential and important, as they have to attend to repairs of many replaceable parts like rollers, bushes, pins, bolts etc., and so they should be treated as operational.

15. It is elicited from the evidence of M.W. 2 that if Laboratory Assistant, Theatre Superintendent, and Theatre Assistant in the medical Department of Port Trust work in general shift, the guidelines about man to man relief is not satisfied. He deposed that he cannot assert or deny when it is suggested that they work in general shift.

16. It was argued for the Management that even though the workmen in some sections work in general shifts, they too are treated as operational for it is necessary to summon them even during the hours outside their duties, in order to meet emergencies. It was further urged for the Management that in some sections, the workers work in general shifts, but a skeleton staff had to be posted during the remaining hours in the day and night to attend to emergencies, and such staff are also treated as operational staff. To elaborate the point it is illustrated as follows:—Generally all the doctors and the staff connected with the dispensaries of the Port Trust have to work in general shift, but just as in casualty department in general hospitals, skeleton staff are asked to attend to duties during the hours other than the general shift, and as the members of the staff of such departments have to attend in turns to such duties, they are treated as operational staff. When the machines have to run round the clock and when there is a likelihood of breakdowns of machines even during hours other than general shift hours, it is necessary to obtain spare parts from the stores to attend to the repairs of such machines, and in such a case, it is necessary to allot duties to

store keepers or store issuers even during the periods other than general shift hours. So even though stores assistants in OHC and store issuers in Civil Engineering Department of Port Trust work in general shifts still it is necessary for the Port Trust to appoint skeleton staff to attend to those duties during hours other than general shift hours, but there is no need to allot duties to machinists in OHC site workshop even during the hours other than those 2 shifts for their work is such that there is no need for them to attend to work in any emergencies.

17. So the machinists do not even come under the category of the workmen who work in general shifts but a skeleton staff of them have to be posted to attend to the duties during the hours other than the general shift or who may be called to attend to the duties during the hours other than the general shift hours. So even though some of the workmen for whom man to man relief is not necessary are treated as operational, the machinists do not come under the said category. It cannot be stated that there is no rational in treating even such workmen as operational for a skeleton staff amongst such categories have to be asked to attend to duties during hours other than general shift, and as such all the workmen in the said categories, one day or other, have to attend such duties during hours other than general shift hours. But so far as machinists are concerned, they have to work only during the first shift or the second shift and they need not work between 10.00 P.M. and 6 A.M. at any time.

18. It is true that the machinists are attending to a work which is important than the work being attended to by some categories of workmen who are treated as operational. It is also true that they are more skilled than some of the workmen who are treated as operational. It is also true that this workshop is located in the OH Complex itself so that this workshop can be in touch with the operation of OHC and the needs of OHC. It is also true that the machines in OHC are sophisticated and they cost crores of rupees. But all the above factors or any of them do not have any bearing in order to consider whether the machinists in this workshop should be treated as operational. I already referred to the various categories who are treated as operational and these machinists do not come under any of those categories. In fact the averments in the claims statement of this union and the arguments advanced for the workmen indicate that when some categories who do not strictly come under the category of operational staff included in the category of operational staff, these machinists are not included in the said category. But it was neither pleaded nor proved that the management was motivated in making that classification. I already referred to the basis for treating some of the categories in which man to man relief is not required as operational. But it is explained for the Management as to why they were treated as operational, and it can not be said that there is no rational in treating the above categories also as operational.

19. Of course the persons who are eligible for the promotion to the post of machinists or the machinists from one grade to another may not get the benefit, which the workmen, who are eligible for promotion in the categories which are treated as operational, get. But when the Management adopted some norms in classifying the various workmen into operational and non-operational categories, and when they can be treated as reasonable, and when machinists do not satisfy those norms, their claim that they should also be treated as operational cannot be treated as just and I find accordingly.

20. Point 2.—In view of my finding on Point 1, this point does not arise.

21. Hence the action of the Management of Visakhapatnam Port Trust in treating the Machinists working in the Ore Handling Complex as non-operational staff is held as just.

Award is passed accordingly.

Dictated to the Stenographer, transcribed by him and corrected by me and given under my hand and the seal of this Tribunal, this the 7th day of March, 1981.

V. NEELADRI RAO, President Officer
[No. L-34011 '7/78-D.IV(A)]

APPENDIX OF EVIDENCE

Witnesses examined for the Workmen :

W.W. 1 Sri A. Chinna Rao.
W.W. 2 Sri . S. N. Raju

For Management .
MW. 1 K. K. Rao.
M.W. 2 Y. Badrachalam.

Documents exhibited for the Workmen :

- Ex. W1 Letter HPW/G/54/75 dt. 24-3-1975 addressed by the General Secretary, Visakhapatnam Harbour and Port Workers Union, Visakhapatnam to the Chairman, Visakhapatnam Port Trust, Visakhapatnam regarding officiating arrangements in leave vacancies of duration 21 days non implementation.
- Ex. W2 Letter No. F/9264/74 dt. 8-7-75 addressed by Secretary, Visakhapatnam Port Trust to the President, V.H.S.P.W. Union, Visakhapatnam, the President, V.P.E. Union, Visakhapatnam and the President, N.P.T.E. Union, Visakhapatnam regarding the list of operational posts.
- Ex. W3 Letter HPW/G/196/75 dt. 29/31-7-75 addressed by the General Secretary, the Visakhapatnam Harbour and Port Workers' Union regarding the list of operational staff.
- Ex. W4 Letter No.F/9264/74 dt. 12-8-75 addressed by the Secretary, Visakhapatnam Port Trust, Visakhapatnam to the General Secretary, V.H.&P.W. Union, Visakhapatnam regarding the list of operational staff.
- Ex. W5 No. HPW/216/75 dt. 18-8-75 addressed by the General Secretary, the Visakhapatnam Harbour and Port Workers' Union to the Chairman, Visakhapatnam Port Trust, Visakhapatnam regarding the list of operational staff.
- Ex. W6 Letter No. F/9264/74 dt. 11-12-75 extract of minutes of the meeting of the Dy. Chairman, Visakhapatnam Port Trust with the representatives of Visakhapatnam Harbour and Port Workers Union, Visakhapatnam Port Employees Union and National Port Trust Employees' Union held on 8-12-75 regarding Classification of operational staff.
- Ex. W7 Letter No. F/9264/74 dt. 22/23-12-1975 addressed by the Secretary, Visakhapatnam Port Trust Visakhapatnam to the President, N.P.T.E. Union, Visakhapatnam and under copy to the President V.H. & P.W. Union, Visakhapatnam regarding classification of posts as operational.
- Ex. W8 Letter No. F/9264/74 dt. 19-1-76 addressed by the Secretary, Visakhapatnam Port Trust, Visakhapatnam to the Secretary, Visakhapatnam Port Employees Union Visakhapatnam and under copy to the President Visakhapatnam.
- Ex. W9 Copy of letter No. F/9264/74 dt. 8-7-76 from the Secretary, Visakhapatnam Port Trust to the Secretary, Visakhapatnam Port Employees Union regarding the clasification of posts as operational.
- Ex. W10. Letter No. F/9264/74 dt. 25-4-1979 from the Secretary, Visakhapatnam Port Trust regarding the list of operational staff.
- Ex. W11 Lt. No. HPW/OHC/375/77 dt. 25-1-78 addressed to the Chairman, Visakhapatnam Port Trust by the Workmen regarding the grievances of OHC site workshop Machinist staff.
- Ex. W12 Lt. No. F/1480/78 dt. 6-3-78 addressed by the Secretary, Visakhapatnam Port Trust, Visakhapatnam to the General Secretary, Visakhapatnam Harbour & Port Workers' Union, Visakhapatnam regarding the grievance of OHC site workshop Machinist staff.
- Ex. W13 Lt. No. HPW/OHC/84/78 dt. 10-5-1978 addressed by the General Secretary, Visakhapatnam Harbour and Port Workers Union to the Asstt. Labour Commissioner (C) Visakhapatnam for conciliation.

- Ex. W14 True copy of the minutes of conciliation proceedings held on 12-9-78 in the dispute between the Management of Visakhapatnam Port Trust and their workmen
- Ex. W15 Copy of the letter No. 16/b/78-ALC dt 30-9-78 addressed by the Asstt Labour Commissioner (C) Visakhapatnam to the Secretary to the Govt of India Ministry of Labour, New Delhi regarding failure of conciliation
- Ex. W16 Lt. No F/199/70 dt 2-4-77 addressed by the Secretary Visakhapatnam Port Trust, Visakhapatnam to the General Secretary, V. H. & P. W. Union, Visakhapatnam I regarding the superannuation on attaining the age of 58 years—classification of employees and workmen—Additional categories.

Documents exhibited for the Management :

- Ex. M1 Lt. dt. 29/31-7-75 of the General Secretary, the Visakhapatnam Harbour and Port Workers' Union addressed to the Chairman Visakhapatnam Port Trust, Visakhapatnam regarding the list of operational staff.
- Ex. M2 Machinists log book from 4 12-79 to 10 4-80
- Ex. M3 Muster register from 1-3-79 to 16 5-80 with regard to the Staff attached to OHC site workshop.
- Ex. M4 Office copy of the letter dt 28-7-75 addressed by the Port Trust to all the three unions regarding the list of operational posts.

V. NELADRI RAO Presiding Officer
Industrial Tribunal

S.O. 1204.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal No. 2, Bombay, in the industrial dispute between the employers in relation to the Messrs Chowgule Brothers, Chowgule House, Mormugao Harbour (Goa) and their workmen, which was received by the Central Government on the 24th March, 1981

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO 2, BOMBAY

Reference No. CGIT-2/7 of 1978

PARTIES :

Employers in relation to the Management of M/s Chowgule Brothers, Mormugao Harbour, Goa;

AND

Their workmen

APPEARANCES :

For the Employers—Shri Ramesh Desai Labour Advisor.

For the Workmen—Dr. (Mrs.) Luisa Pereira, General Secretary, Mormugao Waterfront Workers' Union, Vaso-da-Gama.

INDUSTRY : Ports and Docks STATE : Goa, Daman and Diu

Bombay dated the 2nd March, 1981

AWARD

The Government of India, in the Ministry of Labour, in exercise of the powers conferred under Section 10(1)(d) of the Industrial Disputes Act, 1947 have referred the following industrial dispute for adjudication to this Tribunal vide order No L-36011(8)/78-D IV(A) dated 16-9-1978—

"Whether the management of Messrs Chowgule Brothers are justified in

- (i) not implementing the recommendations of the Wage Revision Committee for Port and dock workers as

amended by the Settlement dated the 14th July, 1977 in respect of 57 casual Gangmen mentioned in Annexure-I, and

- (ii) not paying arrears due to 40 Casual Winchmen mentioned in Annexure II consequent upon the implementation of the recommendations of the Wage Revision Committee, for the period from 1st January, 1974 to the 31st December, 1977?

If not, to what relief are the concerned workmen entitled?

ANNEXURE-I

S. No. Name

1.	Sidappa Basappa
2.	Basappa Assappa
3.	Mallappa Basappa
4.	Amarappa Husnappa
5.	Shankappa Amarappa
6.	Sangappa Tippanna
7.	Somappa Amalappa
8.	Montappa Somappa
9.	Danappa Basappa
10.	Mantappa Basappa
11.	Mantappa Sharbanna
12.	Kariyappa Veerappa
13.	Pundappa Amrappa
14.	Vilapalshappa Virappa
15.	Virupalshappa Virappa
16.	Daneppa Parappa
17.	Mantappa Balangauda
18.	Basappa Balangauda
19.	Shakarappa Tipanna
20.	Sangappa Basappa Chittargi
21.	Kajisab Imamsab Walikar
22.	Moulasan Abdulsab Walikar
23.	Eassappa Yalaguddappa Atanur
24.	Yellappa Hanamanta Harijan
25.	Bandigisab Hasansab Hulgari
26.	Jumanna Bhimappa Hospati
27.	Kallappa Jumanna Sospeti
28.	Sangappa Baulatraya Chikanalli
29.	Bijansab Dastgirsab Horaginmani
30.	Basappa Karamma Birapar
31.	Hanamanta Bhimara Dandoji
32.	Pajesab Mashaksab Kadakol
33.	Aminasab Buddasab Wadaf
34.	Banagisab Sashasab Mulyal
35.	Basappa Mallappa Jagondi
36.	Nigappa Gurappa Kumbhar
37.	Bhimappa Sakarappa Badipar
38.	Patesab Husansab Walikar
39.	Basappa Baslingappa
40.	Rajesab Manyasab
41.	Mallappa Baslingappa
42.	Mingappa Balingappa
43.	Somanma Basanpa
44.	Mohidinsab Khadarsab
45.	Baslingappa Mingappa
46.	Hussansab Budusab
47.	Fessappa Gulappa
48.	Nanumantappa Amrappa
49.	Bimsraya Haleppa
50.	Shidappa Bhimappa
51.	Manappa Bhimappa
52.	Krishappa Balappa
53.	Iravanda Buteappa
54.	Honappa Curunatanna
55.	Hanumantappa Yankappa
56.	Mallappa Shivlingappa
57.	Bengisab Badahssab

ANNEXURE-II

S. No. Name

1.	Raju
2.	Bernappa
3.	Nabsaib
4.	Norserasab
5.	Basana
6.	Vakatasawali
7.	S. C. Angadl
8.	Isamsaib
9.	Vithal

10.	Mehadeva
11.	Malappa
12.	Kalappa
13.	Mohanlal
14.	J. Narayan
15.	M. Carsade
16.	H. Narayan
17.	Sohanlal
18.	Shantilal
19.	S. Shenkar
20.	B. Narayan
21.	Waman
22.	Shridar
23.	Jaganath
24.	Chandrakant
25.	Sukanand
26.	Ponderlio
27.	Dewanath
28.	Dada Raut
29.	Nandalal
30.	Shivalingappa
31.	Honumantappa
32.	Hassansab
33.	Anna Nerukar
34.	Goving
35.	Natu
36.	Suresh
37.	Ankush
38.	Babani
39.	Arun
40.	Mulraj

The Acting General Secretary of Mormugao Waterfront Workers' Union affiliated to C.I.T.U. has filed a written statement of claim on behalf of the workmen stating that the 40 Winchmen as per Annexure II and 57 Gangmen as per Annexure I of the Schedule to the order of reference are permanently working for the employer company M/s. Chowgule Brothers for the past eight years or more, in their Stevedoring business at Mormugao Harbour. The company was paying wages to these Winchmen and Gangmen directly. The company failed to implement the recommendations of the Wage Revision Committee as modified by the settlement dated 14-7-1977 and pay arrears of salary/wages to the concerned workmen from 1-1-1974 to 31-12-1977 despite repeated demands. The workmen through their union placed the dispute before the Assistant Labour Commissioner (C) Vasco-da-Gama on 10-4-1978 for his intervention. The efforts at conciliation having failed a failure of conciliation report was submitted. The Union submits that as the Winchmen and the Gangmen in question are dock workers the recommendation of the Wage revision Committee are clearly applicable to them. It is also submitted that from April, 1978 the company has been paying the concerned Winchmen and Gangmen as per the recommendations of the Wage Revision Committee (WRC for short). In these circumstances they say they are entitled to claim arrears of wages retrospectively from 1-1-1974. They pray that the employers may be directed to pay the difference in wages for the period 1-1-1974 to 31-12-1977.

The Employers M/s. Chowgule Brothers (referred to as the 'Company' hereinafter) have filed a written statement contending that as they are not signatories to the agreement entered into between the Government of India, Ministry of Shipping and Transport and the representatives of the three Federations of the workers working in the Major Ports regarding the implementation of the recommendations of the WRC, they cannot be called upon to pay the difference of wages in terms of the said agreement. They further submit that the concerned workmen being casual and unregistered dock workers the company is not bound to pay them the arrears of wages in terms of WRC recommendations. According to them they are liable to pay such difference in wages only in the case of Registered Dock Workers from the reserve pool. They further took the stand that in the case of the workmen herein who are unregistered casual dock workers the employer-employee relationship ceased the minute the dock work entrusted to them is completed. Whereas in the case of registered Dock Workers in the reserve pool the employer-employee relationship subsists even after the given work is completed. Therefore the liability to pay arrears of wages in terms of WRC recommendations arises in the case of registered workers from the reserve pool and not in the case of casual workers. For these reasons the company is not liable to pay the difference of wages.

The company filed a petition dated 16-6-1980 praying the Court to permit them to add the following additional plea by way of preliminary objection :—

"It is respectfully submitted that the workmen covered under the Order of Reference are not entitled to raise the demands covered under the order of Reference as they were not employed by the employer either at the time of raising the dispute or at the time the Government made the Reference to this Hon'ble Tribunal."

On the above pleadings the following issues arise for consideration :—

- (i) Whether the employer company is liable to pay the workmen the difference in wages from 1-1-1974 to 31-12-1977 in respect of the work done by them ?
- (ii) To what relief ?

Issue 1 :

Admittedly the workmen herein belonging to Gangmen and Winchmen category, are Dock workers. It is also not in dispute that they are casual workers and not registered with the Dock Labour Board. According to the management under Clause 40 of the Mormugao Dock Workers (Regulation of Employment) Scheme, 1965 (Hereinafter referred to as the Scheme) no person other than a registered employer shall employ any worker on dock work nor shall a registered employer engage for employment or employ a worker on dock work unless that worker is a registered dock worker. Notwithstanding the above provisions where the Administrative body is satisfied that dock work is urgently required to be done and it is not reasonably practicable to obtain the registered worker for that work, the Administrative body may subject to limitations imposed by the Board if any, allocate to a registered employer a person who is not a registered dock worker. The Board may subject to such conditions as it may specify permit employment of unregistered workers on a holiday if dock work is required to be done on that day to the extent registered workers are not available for work. Under the above provisions of Clause 40 the company happened to engage the concerned workmen who are unregistered dock workers during the period 1-1-1974 to 31-12-1977. Even after April, 1978 it is not disputed that the workmen herein are working for the company on casual basis. On payment of wages as per the recommendations of the WRC. It is not disputed that for the period the concerned workmen worked for the company they were paid wages prevailing on the respective dates of their engagement. The Government of India set up a Wage Revision Committee (WRC) vide Ministry of Shipping and Transport Resolution No. PLO/94/74 dated 11-12-1974 to enquire into and recommend what revision is necessary in the existing wage structure of specified categories of Port and Dock Workers at the Major Ports. The Committee submitted its interim report on 15-1-1975 regarding the rates of interim relief and their final report in January, 1977. Pursuant to the assurance given to the Federations that they would be consulted before the Government took decision on the final recommendations of the WRC, discussions were held by the Ministry of Labour and the representatives of Ministry of Shipping and Transport and the Ministry of Finance and the representatives of the All India Port and Dock Workers' Federation, Indian National Port and Dock Workers' Federation, Port, Dock and Waterfront Workers' Federation of India and Water Transport Workers' Federation of India. As a result of these discussions a settlement was reached on 14-7-1977 to implement the recommendations of the WRC with retrospective effect from 1-1-1974 to 31-6-1977. A sum of Rs. 170 crore was required for this purpose. This expenditure was to be met by the Dock Labour Board partly from its reserves and partly by raising a loan from the Government to the tune of Rs. 90 lacs. It was also proposed to raise the General Levy from 150 per cent of time rate wages to 265 per cent of time rate wages. (vide requisitioned Board meeting Agenda placed on the record). The levy was ultimately reduced to 235 per cent of time rate wages. In terms of this resolution the registered workers in the reserve pool of the same categories as the workmen herein viz. Winchmen and Gangmen were paid enhanced wages with retrospective effect 1-1-1974 to 31-12-1977. The workmen herein also claim the same benefit. It is not disputed that the recommendations of the WRC apply to the workmen herein. They are also being paid wages according to the rates recom-

mended by WRC from April 1978. But the employer disputes their right to claim the higher wages with retrospective effect from 1-1-1974 to 31-12-1977. According to him the workmen herein are not registered under the provisions of the scheme. As per the terms of clause 40 (*ibid*) the employers were permitted to employ these casual workers to meet some exigencies. In the case of the concerned workmen the relationship of employer-employee would last only for the duration of the work entrusted to them and the minute that work is completed and the workmen are paid for it such relationship ceases to exist. Once the employer-employee relationship ceases the employee cannot claim arrears of wages in respect of the past work taking advantage of certain awards and settlements raising the wages with retrospective effect. According to him the case of the registered workers stands on a different footing. In their case the relationship of employer-employee as per the provisions of the scheme continues even after the completion of the given item of work. Hence it is said that they are liable to pay the increased emoluments with retrospective effect only in the case of registered workmen. I do not agree with this reasoning.

The Registered workers in the same categories of Winchmen and Gangmen have been paid the arrears of wages due to them in terms of the WRC recommendations for the period in question for identical work performed by them. Because they happened to be covered by the scheme, the Dock Labour Board has undertaken the responsibility to make that payment by raising finance as stated in para 16.2 of the Resolution. There is no reason why the unregistered dock workers who do not have the benefit of the protection of the Dock Labour Board and several other provisions under the scheme should not be similarly paid in respect of identical work for identical period. They might not have been the employees of the company on the date the dispute was raised or the dispute was referred to this Tribunal for adjudication. It may not be right to say that once such relationship ceases the employer cannot be held liable for payment of extra wages on a future date with retrospective effect in terms of WRC recommendations. Such strict principles of law of contract cannot be applied in industrial adjudication. If they were not registered under the scheme as on the relevant date it was not their fault.

Shri Desai then submitted that under clause 40(2)(c) the unregistered workman engaged under the provisions of Clause 40 are only deemed to be daily workers as defined in the scheme for the limited purpose of that clause. To equate them with the registered employees for all other purposes viz. payment of arrears of wages. In the circumstances of the present case is unwarranted and not permissible. He relies on two decision viz. (1) AIR 1955 S.C. 661 (Bengal Immunity Co. V. State of Bihar) and (2) 1969 Lab. I.C. page 934 (Chipping and Painting Employers' Association Private Limited Bombay Petitioners v. A. T. Zambr and another) to show how a deeming provision in a statute should be understood.

The relief the workmen herein are being given is not on the ground that they should be treated on a par with the registered workers beyond the limit prescribed in clause 40 but on the grounds of social justice. Had they been treated as workmen in the reserve pool for all purposes this Court could not have been competent to give them the necessary relief because it would then be the province of the Dock Labour Board to work out the same.

Issue 1 held against the employer-company.

Issue No. 2 :

Since the management of Messrs Chowgule Brothers are not justified in

- (i) not implementing the recommendations of the Wage Revision Committee for port and dock workers as amended by the Settlement dated the 14th July, 1977 in respect of 57 Casual Gangmen mentioned in Annexure-I and
- (ii) not paying arrears due to 40 Casual Winchmen mentioned in Annexure-II consequent upon the implementation of the recommendations of the Wage Revision Committee, for the period from the 1st January, 1974 to the 31st December, 1977.

the workmen whose names are mentioned in Annexure I and II above are entitled to receive wages at the rates prescribed by the WRC for the period 1-1-1974 to 31-12-1977.

P. RAMAKRISHNA, Presiding Officer
[No. L-36011/8/78-D. IV(A)]
NAND LAL, Desk Officer

New Delhi, the 28th March, 1981

S.O. 1205.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal, Hyderabad, in the industrial dispute between the employers in relation to the management of Indian Airlines and their workmen, which was received by the Central Government on the 17th March, 1981.

BEFORE THE INDUSTRIAL TRIBUNAL (CENTRAL) AT HYDRAVABAD

Industrial Dispute No. 9 of 1979

BETWEEN

Workmen of Indian Airlines,

AND

The Management of Indian Airlines (Madras Region).

APPEARANCES :

Sarvasri D. Samuel and K. B. P. Rao—for the Workmen.
Sri R. Raghavan, Advocate—for the Management.

AWARD

Under Sections 7A and 10(1)(d) of the Industrial Disputes Act, 1947 the Government of India, Ministry of Labour, New Delhi referred to this Tribunal the following dispute between the Workmen and the Management of Indian Airlines, by its Letter No. L. 11011(4)/78-D.II(B), dated 18th June, 1979 :

SCHEDELE

"Whether the action of the management of the Indian Airlines, Madras Region, in revoking the causal leave and/or compensatory off, as the case may be, sanctioned earlier to the under-mentioned workmen for the date shown against each, and deducting the wages from the salary of the respective workmen for their absence on these dates, is justified? If not, to what relief are the workmen concerned entitled?

Sl. No.	Name	Date for which casual leave/Compensatory Off was sanctioned.
1.	Shri M. A. Quddus (No. 240)	23-9-1977
2.	Shri K. Ganapathi (No. 133)	23-9-1977
3.	Shri K. Venkataswamy (No. 68)	23-9-1977
4.	Shri Savariah (No. 1177)	4-10-1977
5.	Shri P. Laxman (No. 1279)	4-10-1977
6.	Shri S. Mohan (No. 458)	4-10-1977
7.	Shri K. Narsingh (No. 462)	4-10-1977
8.	Shri M. Shankar Shastri (No. 505)	4-10-1977
9.	Shri G. Satyanarayana (No. 660)	30-9-1977 and 4-10-1977
10.	Shri S. M. B. K. Sarma (No. 668)	4-10-1977
11.	Shri N. N. Charyulu (No. 952)	4-10-1977".

2. This reference was registered as Industrial Dispute No. 9 of 1979 and notices were issued to both the parties.

3. The case of the workmen as seen from the two separate claims statements filed for them is as follows:—

(i) The employees of Indian Airlines working at Hyderabad represented by the Union were agitating for grant of productivity linked bonus in 1977. As one of the forms of the agitation, the Union directed the 11 employees referred

in the reference, who are members of the Union, to avail casual leave, or compensatory off in lieu of having worked on a holiday or weekly off and ensure that the leave was duly sanctioned, and after it was ascertained that the leave was sanctioned, the Union directed those 11 employees/members to launch one day hunger strike outside the premises of the Indian Airlines. Such agitations were launched in the past and at other places. No deduction of wages was ever contemplated by the Management. But the Management of Indian Airlines took a vindictive attitude and decided to deduct wages for the days for which sanction of leave was granted, presumably by cancelling the same. The wages for those days were deducted from the salary for the month of January, 1978. As the discussion with the Management in regard to the same had become futile, the Union represented to the Regional Labour Commissioner (Central) Hyderabad is writing on 3-3-1978. Though the above Commissioner v in favour of the Union during the conciliation proceedings, the Management of Indian Airlines decided to reject his opinion. Hence this dispute was referred to this Tribunal by Government of India.

(ii) The action of the management is not just for the following reasons. The Management has no right to cancel the leave sanctioned. Even if it had such a right, it should do so before the leave was availed and it had to be intimated to the concerned employee in writing. It is not for the Management to find out as to what happened during the leave period. If the acts of the concerned employees are not in accordance with the law, it is for the concerned Police people to take action against them. If the Management intended to take action against the above members for giving false statement or mis-representation to avail the leave, necessary procedure had to be adopted and the leave which was already availed cannot be cancelled. The above members went on hunger strike and it indicates peaceful way of approach and hence it cannot be treated as strike under the Industrial Disputes Act. As there is no cessation of work, it, cannot be treated as strike at all.

(iii) The agitation was for claim for productivity linked bonus, and ultimately the Airlines conceded the said claim and the matter with regard to the same was settled. So when the Settlement was in favour of the workmen, the Management is not justified in deducting the wages for the days mentioned.

4. The case of the Management is as follows:—The three employees in the reference applied for casual leave or compensatory leave on 23-9-1977 mentioning domestic ground as reason for taking leave. However those three persons participated in a concerted action of hunger strike before the Indian Airlines Engineering Complex on that day. The remaining eight employees have obtained casual leave or compensatory leave for 4-10-1977 and resorted to hunger strike on that day at the main building office. The above action on the part of the employees without giving the requisite notice as provided in law is totally illegal and hence the Management was entitled as a right to revoke the leave granted in as much as the reasons given in their leave applications were not genuine.

5. Exs. M1 to M11 are the leave applications filed by these 11 employees for obtaining Casual leave or compensatory off on 23-9-1977 and 4-10-1977. Except in Ex. M3, in the leave applications the reason for leave was referred to as urgent, unavoidable work, or private work or domestic work or important work or personal work. Leave or compensatory off was sanctioned on those applications. Admittedly these employees resorted to hunger strike before the premises of the Indian Airlines on the days on which they obtained leave or compensatory off as per above leave applications. It is conceded even for workmen that they resorted to hunger strike as a concerted action and they applied for leave only to launch hunger strike. It is clear that the reasons given in the above leave applications were different from the purpose for which they applied for leave or compensatory off.

6. It was urged for the Management that as per Rule 148 of Service Rules for employees in the Aircrafts Engineering Department, no kind of leave can be claimed as of right and the authority empowered to grant leave has discretion to refuse or revoke leave according to the exigency of the Corporation's work. Hence it is open to the authority to revoke leave already sanctioned. In this case, the Management is justified in revoking the leave sanctioned to these 11 employees on the dates

referred to as they obtained leave on false representations, that is by practising disception. Hence the action of the management in revoking the leave and thereby deducting the wages for those days is justified.

7. It was urged for the workmen as follows.—When once the leave is sanctioned and availed it is not open to the Management to revoke it. Notice under Section 9(A) of the Industrial Disputes Act is not issued. Further when the hunger strike, which was launched on the above days by these employees, was in regard to the claim of the workmen for productivity linked bonus and ultimately the management conceded that demand, it has to be held that their agitation was for a just demand. Further it was a case of peaceful demonstration and the remaining workmen did not stop work. As these employees were granted leave they were not expected to work on the above days. There was no cessation of work in the Airlines on those days. So it does not amount to strike. The work in Indian Airlines at Hyderabad on those two days did not suffer. So there is not even justification for revoking the leave, even assuming that the management is having power to revoke the leave which was already availed.

8. Hence the points for consideration are (1) whether the management had a right to revoke leave for it was availed and (2) if so, whether there is justification for revocation of the leave or compensatory off sanctioned these to 11 employees for the days mentioned.

9. Before considering the above two points, some other minor points which were referred to have to be considered. It was stated for the Management that the dispute in this reference come within the scope of Item 1, 2 and 4 of Schedule two of I.D. Act and as such this matter is within the scope of jurisdiction of the Labour Court, but not Industrial Tribunal as it does not come within the scope of Schedule Third. But as it is open to the Government to refer the dispute coming within the scope of Schedule two or Schedule Third of Industrial Disputes Act to Industrial Tribunal under Section 7A of the I.D. Act, this point was not pressed.

10. Revocation of leave and consequential deduction of wages for the days of leave for which the leave was cancelled, if it can be held that leave can be revoked even after it is availed, do not come within the scope of Fourth Schedule to I.D. Act. They do not come under Item 1 of Schedule Fourth as it refers to change in wages and it does not speak about the deduction from wages. Similarly Item 5 therein refers to the change in leave with wages and holidays but it does not refer to revocation of leave. Item 8 therein is with regard to withdrawal of any customary concession or privilege or change in usage and it does not refer to revocation of leave. So when they do not come within the scope of Fourth Schedule to I.D. Act, the question of issue of notice under Section 9A of the I.D. Act does not arise.

11. POINT 1:—Rule 148 of Service Rules of employees in Aircrafts Engineering Department is as follows:—

"General conditions regarding all kinds of leave. No kind of leave can be claimed as of right. The authority empowered to grant leave has the discretion to refuse or revoke leave according to the exigencies of the Corporation's work".

12. This Rule is applicable to these employees, when the leave or compensatory off was granted to these employees on 23-9-1977 or 4-10-1977, they were cancelled as per Exs. M12 to M22 dated 27-12-1977. Thus the cancellation had taken place after the leave or compensatory off was availed.

13. While it is the case of the Management that leave or compensatory off can be revoked even after it was availed, the case for the workmen is that it can be revoked, only before it is availed.

13.A The above Rule shows that the refusal or revocation is at the discretion of the management and that discretion has to be exercised by keeping in view the exigency of the Corporation's work. So when refusal or revocation had to be made depending upon the exigency of the work of Corporation it indicates that the same thing had to be done before the leave is availed. Question of revocation due to the exigency of the Corporation does not arise after the leave is availed. So the phrase 'according to the exigencies of the

'Corporation's work' in the above Rule suggests that the revocation of the leave can be done only before it is availed.

14 In Chambers 20th Century Dictionary, the word "revoke" is defined as follows.—

"(v t) to recall, call back, to withdraw; to check, to annul to retract."

15 The learned counsel for the Management contended that one of the meanings of the word "revoke" at per above dictionary is annul and so it means cancel and hence the leave can be cancelled even after it is availed and hence the leave can be revoke even after it is availed.

16 It is true that one of the meanings given for the word "revoke" is 'annul' but it does not refer to 'cancel'. Any-way in view of the phrase 'according to exigency of the Corporation's work' in the above Rule it cannot be stated that the word "revoke" used in the above Rule is wide enough to include the meaning 'cancel' for annulment does not arise on the ground of exigency of the Corporation's work. It only suggests that if it is not possible for the Corporation to allow the concerned workmen to be absent in view of the work, it is open to the management to refuse leave for such day or to revoke the leave if already granted at a time when the Management was not aware of the necessity of the presence of the concerned workman. But if leave was already availed, it means that the work of the Corporation did not suffer due to the absence of that workman. So when the Rule contemplates revocation of leave in order to see that the work of the Corporation does not suffer, then it is not open to the Corporation to revoke when its work did not suffer. So in the context in which the word "revoke" is used in this Rule, it can be stated that leave can be revoked only before it is availed and not after it is availed and I find accordingly.

17 POINT 2.—In view of my finding on Point 1, this point does not arise. But anyhow as both sides urged this point, I will refer to the same.

18. I already observed that these employees applied for leave in order to launch hunger strike without giving the same reason for leave or compensatory off but stating some other ground as the reason for leave or compensatory off. So it is a case of practising deception in obtaining the leave. So if the Management is entitled to revoke the leave or compensatory off even after it is availed, revocation can be treated as just in this case.

19 Of course hunger strike in this case was launched in support of a demand which was ultimately conceded by the Management. It is also true that it was peaceful and the work of the Corporation did not suffer. But when deception was practiced, it cannot be treated as unjust ground for revocation of leave or compensatory off, if the management is entitled to revoke leave or compensatory off after it is availed. Hence I find this point in favour of management.

20. But in view of my finding on Point 1, the action of the Management in revoking the casual leave or compensatory off sanctioned earlier to the employees referred to in the reference on the dates noted against them in the reference is not just. Hence these employees were entitled to the wages for these dates, as the management is not entitled to deduct the same.

21 In view of my finding on point 1, it is not necessary to consider whether the employees have to state the reasons when they apply for compensatory off, and whether it is open to the Management to cancel the compensatory off already sanctioned when the employee referred to in Ex M3 participated in the hunger strike even when he had not mentioned any reason in Ex.M3 application for seeking compensatory off, and thus when there was no false representation.

22 In the result, I hold that the action of the Management in cancelling the leave or compensatory off of the employees referred to in the reference for the dates mentioned therein is not just, and consequently its action in deducting wages for the above dates is not just. Hence the Management has to pay the wages to these employees for those dates.

Award is passed accordingly.

Dictated to the Stenographer, transcribed by him and corrected by me and given under my hand and the seal of this Tribunal, this the 11-3-1981.

V. NEELADRI RAO, Presiding Officer

[No L 11011(4)/78-D II(B)]

S. S. BHALLA, Desk Officer

APPENDIX OF EVIDENCE

Witnesses examined for Workmen

Witnesses examined for Management

W W 1 K. B. P. Rao
W W 2 D Samuel

Nil.

Documents exhibited for the Management

Ex. M1—Leave application of G Satyanarayana dated 29-9-77 for compensatory off.

Ex. M2—Leave application of S. M B K. Sarma dated 3-10-1977 for compensatory off

Ex. M3—Leave application of N N. Charyulu dated 3-10-77 for compensatory off

Ex. M4—Leave application of P Laxman dated 3-10-77 for compensatory off

Ex. M5—Leave application of Savaraiah dated 3-10-77 for compensatory off

Ex. M6—Leave application of M Shankar Sastry dated 3-10-77 for compensatory off

Ex. M7—Leave application of Shakelly Mohan dated 1-10-77 for compensatory off.

Ex. M8—Leave application of K Narasing Rao dated 3-10-77 for compensatory off

Ex. M9—Leave application of K. Ganapathi dated 22-9-77 for compensatory off.

Ex. M10—Leave application of K Venkatswamy dated 22-9-77 for compensatory off

Ex. M11—Leave application of M A Quddus dated 22-9-77 for compensatory off

Ex. M12—Revoking order dated 27-12-77 of G Satyanarayana

Ex. M13—Revoking order dated 27-12-77 of S. M B K. Sarma

Ex. M14—Revoking order dated 27-12-77 of N N Charyulu

Ex. M15—Revoking order dated 27-12-77 of P Laxman

Ex. M16—Revoking order dated 27-12-77 of Savaraiah

Ex. M17—Revoking order dt 27 12-77 of M Shankar Sastry

Ex. M18—Revoking order dated 27-12-77 of Shakelly Mohan

Ex. M19—Revoking order dt 27 12-77 of K Narasing Rao.

Ex. M20—Revoking order dt 27-12-77 of K Ganapathi.

Ex. M21—Revoking order dt 27 12-77 of K Venkatswamy.

Ex. M22—Revoking order dt 27-12-77 of M A. Quddus

Sd/-

Industrial Tribunal

New Delhi, the 30th March, 1981

S.O. 1206.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal, Calcutta, in the industrial dispute between the employers in relation to the management of Mercantile Bank Ltd and their workman, which was received by the Central Government on the 19-3-1981.

**CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL,
CALCUTTA**

Reference No. 36 of 1980

PARTIES :

Employers in relation to the management of Mercantile Bank Limited ;

AND

Their Workmen

APPEARANCES :

On behalf of Employers—Mr. M. S. Bala, Advocate.

On behalf of Workmen—Mr. S. K. Mazumdar, Advocate.

STATE : West Bengal. INDUSTRY : Banking

AWARD

This is a reference under Section 10 of the Industrial Disputes Act, 1947 sent to this Tribunal by the Central Government by its Order No. L-12012/56/79-D.I.A dated 28th May, 1980 for adjudication of an industrial dispute between the management of Mercantile Bank Ltd. herein-after called the "Bank" and their workman as mentioned below :

"Whether the action of the management of Mercantile Bank Limited, 8, Netaji Subhash Road, Calcutta-1 in terminating the services of Smt. Sylvia Eugenie Munshi, with effect from 18th November, 1978 is justified? If not, to what relief is the workman concerned entitled?"

2. A copy of the above Government Order was sent to both the bank and the concerned workman.

3. The parties appeared and filed their respective written statements.

4. Briefly stated, the case of the concerned workman, Sylvia Eugenie Munshi is that in February, 1965, she was appointed a Stenographer in the Hongkong and Shanghai Banking Corporation for doing the job of shorthand and typing, that is to say the job of steno-typist. She was to work in the General Managers' Office in Calcutta set up in 1967. The Hongkong and Shanghai Banking Corporation merged with the Mercantile Bank Ltd. and it was renamed as Mercantile Banking Ltd. After the merger the service of the concerned workman was automatically transferred to Mercantile Bank Ltd. and she continued to work as a Stenographer-typist as before. In 1973 the General Managers' Office was shifted to Bombay and the workman was transferred to the Main office of the Bank at Netaji Subhas Road, Calcutta. In 1975 the concerned workman was requested to join two other lady stenographers by rotation to help in lunch hour and to relieve the lady Telex operator, though she had neither any requisite qualification for operating Telex machine nor was she appointed as Telex operator nor was it her duty to work as such. Subsequently a Teleprinter machine which was more complicated was installed. The concerned workman, Sylvia Eugenie Munshi was loaded with additional work of Teleprinter machine which she was not obliged to undertake as a part of her duty as a stenographer. There were other stenographers who were not asked to do the said work. Inspite of the objection of the workman, the management imposed the work of Telex on her during the period of leave of the permanent operator with some ulterior motive. Despite her protest to the management, she was asked to learn Telex operation. The management took a vindictive attitude which caused physical and mental strain on the workman resulting in her heart trouble. Again in July 1978 she requested the management not to insist upon her for doing the job of operating Telex/Teleprinter machines. At the request of the management, the workman submitted a medical certificate about her heart trouble containing advice to avoid physical and mental strain. The Bank's medical officer certified that the workman was fit to do the duties of a stenographer but the management wanted to get her examined by one Dr. Dc to ascertain her mental condition. The workman then sent one lawyer's letter. There were several communications between the parties over the medical certificate. The management wanted to say that works on Telex and Teleprinter machines were part of the duties of the workman and the same was denied. The workman was doing the works on Telex and

Teleprinter, though not her duties as per terms and condition of service and appointment, so long as it did not affect her health and was not advised by the doctor. In order to victimise and punish the workman for her taking a just stand, the management terminated her service illegally and without just cause, by way of punishment. For sometime, the management was finding some flimsy plea to dismiss the workman from service though she did her duties according to her service conditions. As she protested against the illegal pressure of the management, her service has been terminated with a mala fide and ulterior motive. The workman wants that the termination of her service be declared illegal and she be reinstated with full back wages and other consequential relief.

5. The case of the Bank, in short, is that this Tribunal has no jurisdiction as the dispute in question is not an industrial dispute as no Union or a substantial body of workman has not raised the dispute. It is alleged that the concerned workman, Sm. Munshi used to work as Confidential Secretary and not merely a stenographer. She was required, as part of her duties, to relieve the lady Telex operator at lunch time. According to the Bank, Confidential clerks are to do secretarial works including operating Telex-Teleprinter machines which carry confidential and secret messages. Admittedly there is a regular lady Telex operator but confidential secretaries are required to relieve the regulars. On getting a medical certificate from Mis. Munshi, the Bank referred the certificate to its own Medical Advisor according to whose instruction, Sylvia Munshi was referred to Dr. Dc for estimation of her mental tension. Instead Sylvia Munshi sent an advocate's letter. A reply was given to her. The Bank's stand has always been that the workman claimed that her heart specialist had advised her not to operate Telex and Teleprinter machines, that the Bank wanted her to produce such certificate, that she did not do it, that she was not prepared to produce such certificate, that she was unwilling to be examined by a doctor of Bank's choice and that in opinion of Bank's medical advisor, she could operate the machines. The workman wanted to be excused from operating the machines which was a police form of refusal to do her duty. The management was not convinced that she had any valid reason to be exempted. She did not make a categorical statement that she was willing to operate Telex/Teleprinter machines to the limited extent required of her. In the circumstances the management was left with no alternative but to terminate her service by the letter dated 18-11-78. Ever since she was reluctant to operate the Telex and Teleprinter machines, the Bank's confidence in her has completely shaken due to her conduct. It has been denied that Munshi was not required to operate Telex/Teleprinter machines as per terms of her employment. It has been asserted that the termination of the service of the workman was valid and she can get no relief.

6. Mr. M. S. Bala, the learned advocate appeared on behalf of the Bank while Mr. S. K. Mazumdar, the learned advocate represented the concerned workman, Sylvia Eugenie Munshi.

7. The objection relating to the jurisdiction of the Tribunal adjudicate the industrial dispute on the allegation that it is not an industrial dispute raised by the workman of the Bank, has not been pressed from the side of the Bank, in view of the Corrigendum of the Order of Reference issued by the Central Government on 28th November, 1980 for substitution of the word 'workman' in place of 'workman' appearing in line 3 of the original Order of Reference dated 28-5-80. Clearly the word 'workman' was due to inadvertence and now it is clear and there is no ambiguity that the dispute is an industrial dispute with reference to sec. 2A of the industrial dispute Act.

8. The main and vital question on which both the parties argued before me is whether or not the workman in question, Sylvia Eugenie Munshi was bound to do the works with Telex or Teleprinter as alleged by the Bank according to the terms and conditions of her appointment and service.

9. In this case, the workman has examined herself and on the side of the Bank two witnesses are examined. Several documents have been exhibited on both sides.

10. From the evidence of Sylvia Munshi we get that in 1965 she was appointed a stenographer in the Hongkong and Shanghai Banking Corporation. She received a letter of appointment and she accepted the terms thereof by giving her signature on the office copy. After the merger of the

said Bank with the Mercantile Bank, she was placed at the Head Office of the Mercantile Bank at Netaji Subhash Road, Calcutta. She continued working there till the receipt of the letter of termination of service. She has asserted that there was no term for operating Telex machine in her appointment letter and that her duty was to take down shorthand notes, typing and filing. In 1975 she was asked to operate Telex machine with a request to help the two other stenographers in relieving the regular Telex operator during lunch period. She informed the management about her grievance regarding the operation of Telcx but she was not relieved of the additional workload. Sylvia Munshi has been cross-examined at length. In 1973 she started working in the newly formed Mercantile Bank. In the Hongkong and Shanghai Banking Corporation, there was no Telex machine. In the Mercantile Bank, there was only one Telex machine when she started working there. She was asked to relieve the Telex operator by operating Telcx during lunch hour. At first the workman and two others, namely, Mrs. Jones and Mrs. Doyle started the relief work for Telex operation. Later on Mrs. Jones having her heart complaint was not given the work. Subsequently Mrs. Doyal also was not given any relief work and as a result the entire relief work came upon Sylvia Munshi. In 1978 she had heart trouble but she was not relieved of the relief work on Telex. In her absence Mrs. Hennah did the relief work. The workman has stated affirmatively that the operation she was doing on Telex from 1973 to 1978 was not a part of her work and duty as stenographer.

11. The Bank has examined Sinclair Hennah, mentioned by Sylvia Munshi. She is MW-1. Her evidence is short. She was originally appointed by the Hongkong and Shanghai Banking Corporation in 1965 and she came to the Mercantile Bank in 1978. She is the Confidential Secretary and her categorical statement is that her duty includes shorthand, typing and filing in the Mercantile Bank. We also get from her that one Miss Oliver, the Accountant Secretary was the regular Telcx operator and when occasion arises other four Confidential Secretary do Telex operation. During the examination in-chief, the witness has clearly stated that she cannot say that the operation on Telex is a part of her duty. When there is direction from the authority as Secretary, she cannot refuse but operates on Telex. At present when the Accountant Secretary is absent or on leave, the witness is operating the Telex machine. The witness has stated that she has an appointment letter as Confidential Secretary but neither the letter nor any copy thereof has been produced or proved in this case.

12. The only other witness of the Bank is Kantanand Sinha, the Marketing Manager of the Bank. From him we get that normally the Accountant Secretary operates on the telex machine. Ordinarily in the absence of the Accountant Secretary, the Personnel Department Secretary or the Assistant Manager's Secretary operates the machine. This witness has said that he had no occasion to see the terms of the appointment of Lady Secretary.

13. Mr. Bhala's argument is that the workman was appointed as Confidential Secretary. Confidential Secretaries were given fat salaries as they had to do all works of confidential and secret nature and that they were to do works on Telex and Teleprinters whenever necessary. According to Mr. Bala, works on Telex and Teleprinters were parts of duties of the workman as per terms of her service. In this connection we get the earliest document showing the nature of the appointment of Sylvia Munshi. It is the office copy of the appointment letter dated 26th February, 1965 addressed to the workman. The relevant portion is quoted below:

"As your medical and screening reports are satisfactory we confirm your employment in this office with effect from 25th February, 1965 on the following terms:—

- (1) Your salary will be Rs. 440 per month basic plus All India Dearness Allowance, Stenographer's and house allowance.
- (2) You will be on probation for six months on a month to month basis, at the end of which period, subject to a satisfactory report, you will be transferred to the permanent staff.
- (3) After two years' service you will qualify to join the Bank's Provident Fund, if you wish.
- (4) Our office hours are 9 a.m. to 5 p.m. (with one hour for lunch) on weekdays, and 9 a.m. to 1 p.m. on Saturdays."

This letter has been marked Ext. M-11(a) as an admitted document. There is endorsement in writing with the signature of the workman in the following words:

"I hereby confirm that the above terms and conditions are accepted by me."

14. In this case Sylvia Munshi, the concerned workman has examined herself and asserted on oath that she was appointed stenographer and that her duty was to take down shorthand notes, typing and filing. She has further asserted that the operation on Telex she was doing from 1975 to 1978 was not a part of her work. The evidence is that the Hongkong and Shanghai Banking Corporation where she was initially appointed had no Telex. After amalgamation of the two banks, she started working in the Mercantile Bank in 1973 admittedly on the same terms and conditions. Here there was only one Telex machine. In 1975 for the first time she was asked to relieve the Telex operator during lunch time. It was simply a relief work to be done with two other stenographers. It is clear that from 1973 to 1975, Sylvia Munshi was not asked to work on Telex, though it was there.

15. As against the evidence of the workman, the Bank has examined Sinclair Hennah mentioned by the workman. Sinclair Hennah M.W. 1 is a Confidential Secretary. She has stated that her duty includes shorthand, typing and filing. She came to the Mercantile Bank, at Netaji Subhas Road, Calcutta in 1978 and at present she is operating Telex. There was one regular Telex operator but she left the service only one month back. During examination in chief, she was asked if operation on Telex was a part of duty as a Confidential Secretary and her clear answer is that she cannot say that such operation is a part of her duty. She has stated that her duty includes short hand, typing and filing. This supports the case of Sylvia Munshi that operation on Telex was not a part of her duty as a stenographer-Secretary.

16. MW-2 is the Marketing Manager of the Bank. He holds a responsible office and position. His evidence is that normally the Accountant Secretary operates on Telex machine but in her absence any one of other secretaries do it. This witness says that he had no occasion to see the terms of appointment of Lady Secretaries.

17. No body comes forward from the side of the Bank to say that Sylvia Munshi was to work on Telex or Teleprinter according to the terms and conditions of her appointment or service. Sinclair Hennah has said that she received an appointment letter as Confidential Secretary. No such letter has been produced. The Bank has made no endeavour to prove the terms and conditions of service or the nature of duty either of Sylvia Munshi or any Confidential Secretary by reliable evidence oral or documentary. No office copy of letter of such appointment or any Rule of the Bank has been produced or proved. No officer has been examined before the Tribunal to face cross-examination on this point.

18. On the other hand the copy of the appointment letter Ext. M-11(a) clearly shows the terms of appointment and indicates the nature of work of Sylvia Munshi. The term No. 1 in the letter without ambiguity says that her remuneration would be Rs. 440 per month as salary and Stenographer's dearness allowance besides house allowance. That the workman was appointed in the category of stenographer is crystal clear. She has spoken about her duty denying the work on Telex or Teleprinter. This has not been contradicted by any body on the side of the Bank. On the contrary, MW-1 a co-worker coming from the side of the Bank has supported her. It is no body's case that the terms of conditions of the initial appointment and service of Sylvia Munshi have been changed. Rather the Bank's case is that from the time of appointment in the service, she was not a mere stenographer but was enjoined to do several other confidential work including jobs with Telcx and Teleprinters. There is no reliable evidence or proof in this respect.

19. The workman has stated in evidence that 1975 she was asked to do works on Telex as relief work during lunch time and that she did it as relief work but not as her duty. Bank's witness Sinclair Hennah has also stated that though she did not accept that the operation on Telex was a part of her duty yet as she was directed as Secretary, she could not refuse but operated the machine. It is clear from the evidence that as a matter of courtesy and to show respect to the request of the management, Sylvia Munshi for a period did

operation on Telex/Teleprinter as a relief work but not as a part of her duty or a term of service. When the workman really felt heart trouble and found that she was the only person on whom the management unduly put pressure for the work beyond the term of appointment inspite of protest, only then she wanted to take her stand on legal ground. In view of the evidence and facts of this case, I hold that according to the terms and conditions of appointment and service of Sylvia Munshi, she was not to work on Telex and Teleprinter machines and that the Bank had no right to demand such work from her as a part of duty in her employment.

20. The next question that arises for consideration is whether the termination of services of Sylvia Munshi was legal, bonafide and justified.

21. The uncontradicted evidence of Sylvia Munshi is that she was requested to do the relief work during lunch time. It is most unreasonable for the management to ask any employee to work during luncheon period. According to the terms of service appearing in Ext. M-11 (a), the workman was entitled to get recess during the lunch time for an hour. Instead, Sylvia Munshi worked during the period. She was deprived of that privilege without any advantage. The evidence is that there is regular and separate appointment for doing Telex operation. At first three persons were given relief work. Then one got herself relieved of the additional work on ground of heart trouble. Next another was not given such work. Only the workman concerned was asked to do the work on Telex and Teleprinter although she herself got heart trouble. When she prayed her relief, she was asked to produce medical certificate. Inspite of production of certificate, the management insisted on her examination by some other medical men. The workman pleaded that it was not part of her duty to work with Telex. From different letters exhibited in this case it appears that she wanted human sympathy for her health. On the other hand in a letter dated 1-1-78, Ext. W-6, the attitude of the Manager of the Bank appears. He says, "we require you to operate Telex and Teleprinter machine when necessary during the absence of the person who regularly does the work." In another place he has written "we have already stated that the duties of a Secretary includes operation of Telex and Teleprinter machine". It shows that the Manager was annoyed at the workman's pleading that she was not bound to work with Telex or Teleprinter as per terms of her service, and that he was determined to make her work with the machines. The Manager's plea that Sylvia's duty includes operation of Telex and Teleprinter has already been found by me as unacceptable. The Bank produced no evidence before the Tribunal at the time of hearing. For such additional work no allowance was given to Sylvia Munshi. It will appear further in Ext. W-7, the letter of termination of service that the reason for dismissal is that the workman was not readily available for work with Telex. The management could not legally show that she was bound to work with Telex or Teleprinter according to service conditions. The management wanted to get rid of the workman by hook or by crook. From evidence, I have no doubt to hold that due to the undue pressure from the management of the Bank for working on Telex and Teleprinter, Sylvia Munshi's health was adversely affected both mentally and bodily and in fact she had heart troubles. In Ext. W-7, the Manager has stated, "the only conclusion is that you are not prepared to do this work. We can not accept the position where an employee says she/he will decide what work she/he will or will not do." If the management found any fault with or misbehaviour of the workman concerned, it was at liberty to frame a charge sheet and hold domestic enquiry. That step was not taken lest it might prove that the workman was not bound to work with Telex or Teleprinter as per her service conditions. In the facts and circumstances I hold that Sylvia Munshi has been dismissed from service by way of penal measure illegally and without any just reason. It is not a case of simple termination of service for want of confidence in the workman as sought to be argued for a time by Mr. Bala for the Bank. There was no occasion for any loss of confidence. The workman worked faithfully and there was no complaint about her inefficiency. This termination of service is malafide and unjustified. It is a case of victimisation. I find that Sylvia Munshi was not bound to work with Telex and Teleprinter. Terms of her service do not require her to do that work. She was voluntarily doing the said work only as relief work temporarily but was justified to be reluctant to do that work on ground of health.

22. In view of my discussion and findings above, I hold that the action of management of the Bank in terminating the services of Sylvia Eugenie Munshi as mentioned in the Schedule to the Reference was illegal and unjustified. In the result, she is deemed to be still continuing in service of the Bank and she will be entitled to get all kinds of consequential reliefs including back wages, usual increments in wages if due, promotion, Provident Fund etc. The management shall within a month of the publication of this award in official Gazette of earlier allow Sylvia Eugenie Munshi, the concerned workman to join her service in the office she held at the time of termination of service, giving her at least fifteen days' time for joining.

This is my award.

Dated Calcutta the 11th March, 1981.

R. BHATTACHARYA, Presiding Officer
[No. L-12012/56/79-D. II (A)]

S.O. 1207.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal, Madras, in the industrial dispute between the employers in relation to the management of Indian Overseas Bank, Central Office, Madras-2 and their workman, which was received by the Central Government on the 23-3-1981.

BEFORE THIRU T. SUDARSANAM DANIEL, B.A., B.L.,
PRESIDING OFFICER, INDUSTRIAL TRIBUNAL,

MADRAS

(Constituted by the Government of India)
Monday, the 9th day of March, 1981

Industrial Dispute No. 77 of 1980

(In the matter of the dispute for adjudication under Section 10(1)(d) of the Industrial Disputes Act, 1947 between the workmen and the Management of Indian Overseas Bank, Madras.)

BETWEEN

The workmen represented by The General Secretary, Indian Overseas Bank Staff Union, No. 31, Moore Street, Madras-2.

AND

The General Manager, Indian Overseas Bank, Central Office, No. 151, Mount Road, Madras-2.

REFERENCE :

Order No. L-12012/139/79-D.IIA, dated 7-10-1980 of the Ministry of Labour, Government of India, New Delhi.

This dispute coming on for final hearing on Monday, the 2nd day of February, 1981 upon perusing the reference, claim and counter statements and all other material papers on record and upon hearing the argument of Thiruvalargal C. Subramanian, Vice President and Michael Raj Joseph, General Secretary of the Union and of Thiruvalargal R. Hari and Indira Rama Devi, Officers, Industrial Relation Cell, Personnel Department, Central Office, Madras appearing for the Management and this dispute having stood over till this day for consideration, this Tribunal made the following:—

AWARD

This is an Industrial Dispute between the workmen and the Management of Indian Overseas Bank, Madras referred to this Tribunal for adjudication under Section 10(1)(d) of the Industrial Disputes Act, 1947 by the Government of India in Order No. L-12012/139/79-D.IIA, dated 7th October, 1980 of Ministry of Labour, in respect of the following issue :

"Whether the action of the Management of the Indian Overseas Bank, Madras in denying Shri D. Karunakaran, a Secured Hand, Cashier's duty and allowance with effect from 20-10-78 is justified ? If not, to what relief is the workman concerned entitled ?"

(2) Facts leading upto this dispute are as follows : The Management is Indian Overseas Bank, Central Office, Madras represented by its General Manager, Mount Road, Madras-2.

The reference made by the Government of India relates to the action of the Management in denying Thiru D. Karunakaran, a Secured Hand, Cashier's duty and allowance with effect from 20-10-1978. The claim statement on behalf of Thiru D. Karunakaran has been filed by the General Secretary of Indian Overseas Bank Staff Union, Moore Street, Madras-2. Thiru D. Karunakaran was appointed as Shroff-Godown Keeper by the Indian Overseas Bank on 5-11-1973-vide Ex. M-13. He was posted at Alangayam Branch in North Arcot District, Tamil Nadu. He joined duty there on 12-11-1973 as directed under Ex. M-13. From 1974 he was given Cashier's allowance at Alangayam Branch because he was the senior most Shroff-Godown Keeper in that Branch. While so on 11-12-1974 he had presented an application to the Bank Ex. M-14 with a request that he may be transferred to any one of the Branches in Madras City as his aged parents were at Madras and his father is unable to support his family. The Bank considered his request on compassionate grounds and on 21-5-1976, transferred him to Aminjikarai Branch in Madras City. Ex. M-15 is the order transferring him to Aminjikarai Branch, where he joined duty on 7-8-1976. While so, on 1-8-1977, at the Aminjikarai Branch, a Evening Counter was put into operation and Thiru D. Karunakaran was allotted cashier's duties and given the special allowance. By virtue of holding the keys, Thiru D. Karunakaran was getting Rs. 33/- as allowance plus proportionate Dearness Allowance for the same amount. That being so, on 7-6-1978, the Central office of the Bank informed the Manager of the Aminjikarai Branch by the letter Ex. M-23 to the effect that Thiru D. Karunakaran should be relieved and Thiru C. Vallippan should be entrusted with the Cashiers duty. Thiru D. Karunakaran protested against this proceeding by sending the representation on 1-7-1978 under Ex. W-4. Ex. W-5 is the copy of another letter of Thiru D. Karunakaran dated 21-8-1978 refusing to hand over the key. Ex. M-27 is the reply of the Assistant General Manager dated 15-9-1978 to Thiru D. Karunakaran Aggrieved by this order of Assistant General Manager Thiru D. Karunakaran addressed the Chairman of the Bank on 27-9-1978-vide Ex. M-28. The Manager of the Aminjikarai Branch under Ex. M-30 D. dated 20-10-1978 has informed Thiru D. Karunakaran that if Thiru D. Karunakaran does not hand over the keys, disciplinary action would be taken. Accordingly Thiru D. Karunakaran handed over the keys under protest on 20-10-1978. It follows that with effect from 20-10-1978; D. Karunakaran did not officiate as Cashier and consequently did not perform Cashier's duty or draw Cashier's allowance with effect from 20-10-1978. In the circumstances, it has to be seen whether the action of the Management in having denied Thiru D. Karunakaran, a Secured Hand Cashier's duty and allowance with effect from 20-10-1978 is justified.

(3) Before going into the merits of the claim of the workman I may advert to a contention raised by the Management that Petitioner-Union is only a minority Union and represents only a very insignificant number of employees in the Bank and therefore the present dispute is not an Industrial Dispute and consequently, the reference must be held to be incompetent. It is true that the only recognised Union of employees by the Management is of Indian Overseas Bank Employees' Union and it represents majority of workers. But that does not necessarily follow that a minority Union cannot raise any industrial dispute as such. This position has been made clear by the Supreme Court in a decision reported in 1978-II-I.L.I. Page 22 (Tata Chemicals Ltd. and workmen). Moreover, it should also be remembered that after all the issue involved is individual dispute of Thiru D. Karunakaran and so he himself can raise a dispute under Section 2-A of the Industrial Disputes Act 1947 and when his case is being sponsored by a Union which may have only a few employees of the Bank all the more its representation stands on a better footing than one under Section 2-A of the Industrial Disputes Act 1947. Ex. W-1 is a Membership Register of the Union and Ex. W-2 is the Minutes Book of the Union. In the face of these materials, I am not inclined to accept the submission of the Management that there is no Industrial Dispute as such or that the reference is incompetent.

(4) It is common ground that Thiru D. Karunakaran was entrusted with the duties of permanent cashier and holding the keys of the Branch along with the officer-in-charge of the Bank of a Evening Counter of Aminjikarai Branch of the Bank with effect from 1-8-1977 upto 20-10-1978. Even prior to that Thiru D. Karunakaran was given Cashier's allowance at Alangayam Branch North Arcot District from 1974 till about 1976 because he was the Senior most Shroff-Godown Keeper in that Branch. As on the date of opening the Even-

ing Counter at Aminjikarai Branch on 1-8-1977, the following Second hands were working there and the service particulars regarding them had been furnished in paragraph (7) of the counter filed by the Management. There is no controversy with regard to these data and for the sake of further discussion those particulars are extracted below :

S. No.	Name & Designation	Date of joining the Bank	Date of joining the Branch	Date of Birth
1.	S. Subramaniam, Shroff/Godown Keeper.	1-11-71	1-11-71	26-9-50
2.	T. Narayanaswamy, Cashier, Extension Counter.	5-10-70	19-4-76	13-5-48
3.	D. Karunakaran, Shroff/Godown Keeper.	12-11-73	7-8-76	10-12-50
4.	S. Ramanathan, Shroff/Typist.	17-7-72	20-8-76	16-6-51
5.	A. Rajapandian, Shroff/Typist.	5-7-76	19-7-76*	16-7-54
6.	C. Valliappan, Shroff/Godown Keeper.	5-7-76	19-7-76*	6-6-55

*then on probation till 5-1-77

(5) Thiru D. Karunakaran joined the Aminjikarai Branch on 7-8-1976. When he joined this Branch, Thiru S. Subramaniam was working in the Branch as Shroff-Godown Keeper from 1-11-1971 and Thiru T. Narayanaswamy was Cashier, Extension Counter and he had joined the Aminjikarai Branch on 19-4-1976. Thus, when Thiru D. Karunakaran joined Aminjikarai Branch on 7-8-1976, two other persons, viz., Thiru S. Subramaniam and Thiru T. Narayanaswamy were seniors to him in the same Branch. The specific case of the Management is that Cashier's allowance is given by the Management-Bank only on the basis of branch-wise seniority and this has been also the practice of the Management-Bank. This plea has been set out by the Management in paragraph (3) of the counter statement filed by them. Significant to remember that the Petitioner-Union or even the workman has not filed any rejoinder or reply statement refuting the case of the Management. Even then it remains to be considered whether Thiru D. Karunakaran was not the seniormost to be entitled to Cashier's post with effect from 1-8-1977 at the Aminjikarai Branch.

(6) It is to be remembered that only Secured hands are entrusted with Cashier's duty. After Thiru D. Karunakaran joined the Aminjikarai Branch on 7-8-1976, whenever Thiru A. Subramaniam, the senior most Secured hand went on leave, Thiru D. Karunakaran was allotted Cashier's duties and given the special allowance. This fact is sought to be made much of to press the claim of Thiru D. Karunakaran for being entrusted with Cashier's post next to Thiru A. Subramaniam. On the other hand, it should be borne in mind that Thiru A. Rajapandian joined the Branch as Shroff-Typist on 19-7-1976 and that Thiru C. Valliappan, Shroff-Godown Keeper joined the Branch on 19-7-1976. But both of these individuals were on probation from 19-7-1976 upto 5-1-1977. Thus it is clear that although Thiru A. Rajapandian and Thiru C. Valliappan joined Aminjikarai Branch earlier to Thiru D. Karunakaran because they were on probation and because the Cashier's duties are entrusted only with Secured hands whenever the senior most Secured hand Thiru A. Subramaniam went on leave Thiru D. Karunakaran was allotted cashier's duties and given the special allowance. Therefore in the particular circumstances just because Thiru D. Karunakaran was allotted Cashier's duty and given special allowance whenever Thiru A. Subramaniam, the senior most Secured hand went on leave it does not necessarily follow that Thiru D. Karunakaran was senior to Thiru A. Rajapandian or Thiru C. Valliappan. Thus it is clear that at the time of the Evening Counter was opened on 1-8-1977, both Thiru A. Rajapandian and Thiru C. Valliappan were seniors in Thiru D. Karunakaran and therefore Thiru D. Karunakaran would not be entitled to be allotted with the cashier's duties.

7. The case of the Union is that even while Thiru D. Karunakaran joined the Aminjikarai Branch on 7-8-1976, he had already put in three years of service in the Bank. Thiru D. Karunakaran was working as Shroff-Godown Keeper at

Alangayam Branch in North Arcot District of the Bank from 12-11-1973 till about July, 1976. Even the Management in paragraph (5) of the counter statement admits that from 1974, he (Thiru D. Karunakaran) was given the Cashier's allowance at Alangayam Branch because he was the senior most Shroff-Godown Keeper in that Branch. But the stand of the Management is that Cashier's duties had been entrusted by the Bank only on the basis of branch seniority and therefore although Thiru D. Karunakaran had put in about three years of service at Alangayam Branch, North Arcot District of the Bank yet when he joined Aminjikarai Branch on 7-8-1976 he would only be entitled to seniority at the Aminjikarai Branch from the date of his joining. Ex. M-13 is the order of appointment issued to Thiru D. Karunakaran on 5-11-1973. The order under Ex. M-13 is specific that Thiru D. Karunakaran has been appointed as Shroff-Godown Keeper of the Bank at Alangayam, Vaniyambadi Taluk, North Arcot District, Tamil Nadu. The terms and conditions of his appointment are embodied in Ex. M-3 itself and Thiru D. Karunakaran has read those terms and conditions and understood those terms and conditions and agreed to be bound by them—vide his endorsement dated 8-11-1973 in Ex. M-13. It is significant to note that there is nothing in Ex. M-13 to indicate that Thiru D. Karunakaran would be liable to be transferred to any other Branch of the Bank either within the same District or in the same State or in other parts of India. Thus it is perfectly clear that Thiru D. Karunakaran has been appointed as Shroff-Godown Keeper of Alangayam Branch of the Bank. So it is the stand of the Management that when Thiru D. Karunakaran wanted to get a transfer to Madras City for his own reasons, the Management had decided to grant the transfer, but the Management has absolutely no power to alter the seniority in the Branch, in which Thiru D. Karunakaran is transferred. Thus it is clear that each Branch of the Bank has to be treated as a Unit for the purpose of reckoning seniority. Ex. M-15 is the order of the Bank transferring Thiru D. Karunakaran from Alangayam to Aminjikarai Branch. On behalf of the workman, it is pointed out that in Ex. M-15, the Management has not stated that Thiru D. Karunakaran will lose his seniority in the Branch to which he is posted. Seniority of a Branch is a well-known and accepted principle and therefore it is not necessary that in the order of transfer Ex. M-15 it should have been specifically incorporated that Thiru D. Karunakaran will not tack on his seniority at Alangayam Branch to the Aminjikarai Branch. Further more, the circumstances under which Thiru D. Karunakaran was transferred from Alangayam to Aminjikarai Branch should also be borne in mind. Ex. M-14 is the application given by Thiru D. Karunakaran even on 11-12-1974 giving reasons as to why he should be transferred to Madras City to enable him to help his parents in their old age. If really, there be no Branch seniority as such, but only an overall seniority in the Bank, certainly it would not have been difficult for the Management to transfer Thiru D. Karunakaran from Alangayam to Madras City straight away. On the other hand, only two years later under Ex. M-15 or 21-5-1976, Thiru D. Karunakaran was transferred to Madras City at his request. Even Ex. M-15 makes it clear that as the transfer is effected at his request Thiru D. Karunakaran is not entitled to any T.A. Furthermore, the order under Ex. M-15 is also indicative that Thiru D. Karunakaran's seniority at Aminjikarai Branch will commence only after he reports therein and that he will not be entitled to tack on his period of work at Alangayam Branch. As a matter of fact in Ex. M-15 it is clearly mentioned that Thiru D. Karunakaran may be treated as an additional hand. There is thus intrinsic material to hold that Thiru D. Karunakaran's seniority at the Aminjikarai Branch would commence only from the date of his joining at Aminjikarai, namely on 7-8-1976.

8. Thiru T. Narayanaswamy, Cashier, Extension Counter, Aminjikarai had joined the Aminjikarai Branch on 19-4-1976, while he had joined the Management-Bank elsewhere on 5-10-1970. Thiru S. Subramaniam who was Shroff-Godown Keeper had joined the Aminjikarai Branch on 1-11-1971. Therefore, if there be any basis in the claim of the Union that the workman's total seniority should be tacked on to his service wherever he goes, in that case, Thiru T. Narayanaswamy should be senior to Thiru S. Subramaniam, because Thiru T. Narayanaswamy had joined the Management-Bank elsewhere on 5-10-1970 while Thiru S. Subramaniam had joined the Management-Bank only on 1-11-1971. Hence it is obvious that branch seniority alone is observed by the Management. Evening Counter service was introduced at the Mylapore Branch of the Respondent-Bank in July, 1977. Ex. M-34 is the letter from the Mylapore Branch Bank to

the Regional Office, Indian Overseas Bank, Madras requiring staff for Evening Counterservice. It will be seen that as on that date, namely, 21-7-1977 in the Mylapore Branch of the Management there were 9 Secured hands including a Cashier and therefore under Ex. M-34 Thiru P. Murugesan being the seniormost among the Secured hands (other than the Cashier) was to be made as the Evening Counter Cashier. Ex. M-35 is a seniority list of Secured hands at Mylapore Branch of the Management-Bank. From Ex. M-35, it can be noted that the next Secured hand Thiru N. Sundaram had joined the Mylapore Branch on 7-12-1973 at his request whereas he had joined the Bank services even on 17-7-1972. Therefore, if the date of joining of the Bank is the crucial date Thiru N. Sundaram alone would be the seniormost secured hand. But from Exs. M-34, M-35 and M-36, it is clear that Thiru P. Murugesan alone was senior to Thiru N. Sundaram. Therefore, it is clear that as far as the Management-Bank is concerned, seniority is governed strictly by the date of joining in the respective Branch. In this context, it should also be remembered that the only recognised Union, viz., Indian Overseas Bank Employees' Union which represents majority of workers have not chosen to champion the cause of this particular workman claiming right contrary to Branch seniority. This is also one circumstance to show that the majority of the workmen have known and understood their right, viz., their seniority rests with the particular Branch. Some support is also sought to be had from an Award of the Central Industrial Tribunal, Hyderabad which is marked as Ex. M-38 which held that there is nothing wrong in having a Branch seniority as such. There it is for what it is worth. In the face of these circumstances and materials, I am unable to accept Thiru D. Karunakaran's plea that he was the seniormost Secured hand even above Thiru A. Rajapandian and Thiru C. Valliappan.

9. It is also contended that Thiru D. Karunakaran having been entrusted with the duties of Cashier and holding the key nearly for 14 months continuously from 1-8-1977 upto 20-10-1978 it has become a condition of service for him and therefore any lawful deprivation of the same can be resorted to by the Management only after giving notice under Section 9-A of the Industrial Disputes Act, 1947. That leads me to the immediate consideration as to whether this period of service can be considered to be a condition of service specified in IV Schedule of the Industrial Disputes Act, 1947. It might become under Item (3) or (8), viz., Allowances or Customary privilege or concession. However, in as much as the post of Cashier and obtaining allowance like Key Allowance go together once he is a Cashier it would not strictly come within Item (8) of IV Schedule. So it has to be seen whether it will come under Allowance as envisaged in Item (3) of IV Schedule. In this respect, the stand of the Management is that no doubt a mistake committed by the Bank has been subsequently rectified, but that does not call for any procedure as contemplated under Section 9-A of the Industrial Disputes Act, 1947. It must be remembered that under Ex. M-13, Thiru D. Karunakaran has been appointed as Shroff-Godown Keeper. He has not been appointed as a Cashier as such. Similarly even the order of transfer under Ex. M-15, Thiru D. Karunakaran is described only as Shroff-Godown Keeper and that he is also placed as an additional hand (Secured hand). There is no dispute that a Secured hand is not entitled to allotment as Cashier's duty as a matter of right. Normally, the seniormost Secured hand is entrusted with Cashier's duty. Therefore, whenever the Management entrusted the duties of a Cashier to Thiru D. Karunakaran it was not that Thiru D. Karunakaran was appointed as a Cashier as such. Therefore it cannot be said that Cashier's Allowance and Key Allowance form part and parcel of service condition of Thiru D. Karunakaran who always remained as Shroff-Godown Keeper. As a matter of fact, when on 1-8-1977 for the Evening Counter at Aminjikarai Branch, Thiru D. Karunakaran was entrusted with duties, Thiru D. Karunakaran was perfectly aware that he was only junior to Thiru A. Rajapandian and Thiru C. Valliappan and therefore it was that on 30-9-1977 he made a representation to the Bank to confirm his eligibility to draw the special allowance. Incidentally, that representation also referred to the Branch seniority for the purpose of this allowance claimed by Thiru D. Karunakaran. Thus it is clear that although from 1-8-1977 Thiru D. Karunakaran was entrusted with the duties of Cashier and consequently entitled to the Cashier's Allowance and Key Allowance, yet his right to hold the position was in doubt even from 1-8-1977. In that view, just because from 1-8-1977 till 20-10-78 Thiru D. Karunakaran drew Cashier's Allowance and Key Allowance it will

not clothe him with any right as such to claim Cashier's Allowance and Key Allowance. It should also be recalled even earlier even at the Aminjikarai Branch whenever Thiru D. Karunakaran acted as the Cashier in the absence of the regular Cashier Thiru A. Subramaniam, he had drawn the Cashier's Allowance and Key Allowance and earlier also while at Alangayam when he had acted as the Cashier being the seniormost in that Branch he had drawn the Cashier's Allowance and Key Allowance. In the circumstances, the drawing of allowance is attached to the post of Cashier and therefore when Thiru D. Karunakaran's right to act as Cashier from 1-8-1977 is proved to be non-existence even though Thiru D. Karunakaran had drawn Cashier's Allowance and Key Allowance from 1-8-1977 upto 20-10-1978 it would not make a part of service condition of Thiru D. Karunakaran. I may also point out that under Ex. M-38, the Industrial Tribunal (Central), Hyderabad has also held that the Bank was justified in giving Cashier's duties to the senior-most person according to branch-wise seniority and the Bank is also justified in rectifying its mistake and hence there is no question of issuing any notice under Section 9-A of the Industrial Disputes Act. Even if in the extreme view, there is any substance in the contention of the Union even then this is the proper forum where the right of Thiru D. Karunakaran to hold the Cashier's post and allowance even after 20-10-1978 can be properly adjudicate upon by this Tribunal within the ambit of this specific reference made by the Government of India.

10. It is also stated in the claim statement that the action of the Management in suddenly withdrawing the duties from Thiru D. Karunakaran and handing over the same to Thiru C. Valliappan who belonged to the recognised Union lacks bona fide and it is said that it was done only to favour the Officials of the recognised Union. No material has been placed to show that Thiru C. Valliappan belonged to the recognised Union. Therefore, there is no merit in the plea that in order to oblige the recognised Union the action of the Management has been taken against Thiru D. Karunakaran. If according to the grounds mentioned in the claim statement, the Management had suddenly withdrawn the duties from Thiru D. Karunakaran in favour of Thiru C. Valliappan there is absolutely no whisper or averment against Thiru A. Rajapandian who stands in the same footing as Thiru C. Valliappan. The very fact that nowhere in the claim statement any objection is taken to Thiru A. Rajapandian being posted as Cashier over the head of Thiru D. Karunakaran. All these factors would go a long way to give a lie circumsstantial to the case put forward by the Union that the action of the Management with regard to Thiru D. Karunakaran lacks bona fide. Looked at from any point of view, I am unable to accept the claim of the Petitioner-Union that Management's denial of Cashier's duty and allowance with effect from 20-10-1978 is illegal or unjustified. Thiru D. Karunakaran is not entitled to any relief whatsoever.

11. In the result, an Award is passed holding that Thiru D. Karunakaran is not entitled to any relief. No costs.

Dated, this 9th day of March, 1981.

T. SUDARSANAM DANIEL, Presiding Officer
[No. T-12012/139/79-D.II(A)]

WITNESSES EXAMINED

For both sides : None

DOCUMENTS MARKED

For workmen

Ex.W-1	Membership register of the Union.
Ex.W-2	Minutes Book of the Union.
Ex. W-3	I, II and III Bipartite settlements between Indian Banks' Association and All India Bank Employees Association. (Book).
Ex. W-4/1-7-78	Letter from Thiru D. Karunakaran to the Bank regarding withdrawal of Key Allowance. (copy)
Ex.W-5/21-8-78	-do- -do- (copy)

- Ex.W-6/26-10-78 Letter from the Union to the Chairman and Managing Director of the Bank about securing of keys from Thiru D. Karunakaran.
- Ex. W7/13-8-79 Conciliation failure report.
- For Management Settlement on the Industrial Disputes between the Bank and its workmen. (copy).
- Ex. M-1/14-12-66 Appointment order of Thiru S. Subramanian.
- Ex. M-2/19-10-71 Letter from the Aminjikarai Branch Bank to the Central Office intimating that Thiru S. Subramania has reported for duty on 1-11-71.
- Ex.M-3/3-11-71 Letter from the Bank's Central Office to the Aminjikarai Branch confirming the service of Thiru S. Subramaniam.
- Ex. M-4/2-5-72 Appointment order of Thiru T. Narayanasamy.
- Ex. M-5/21-9-70 Letter from the Bank's Central Office to the Mayuram Branch confirming the service of Thiru T. Narayanasamy.
- Ex. M-6/31-3-71 Transfer of Thiru T. Narayanasamy.
- Ex. M-7/5-4-76 Letter from the Aminjikarai Branch Bank to the Central Office intimating the reporting for duty by Thiru T. Narayanasamy.
- Ex. M-8/21-4-76 Appointment order of Thiru A. Rajapandian.
- Ex. M-9/14-6-76 Confirmation order of Thiru A. Rajapandian.
- Ex.M-10/6-1-77 Appointment order of Thiru C. Valliappan.
- Ex. M-11/16-6-76 Confirmation order of Thiru C. Valliappan.
- Ex. M-12/6-1-77 Appointment order of Thiru D. Karunakaran.
- Ex. M-13/5-11-73 Application of Thiru D. Karunakaran for transfer.
- Ex. M-14/11-12-74 Transfer order of Thiru D. Karunakaran.
- Ex. M-15/21-5-76 Appointment order of Thiru S. Ramanathan.
- Ex. M-16/57-72 Confirmation order of Thiru S. Ramanathan.
- Ex. M-17/11-1-73 Transfer order of Thiruvalargal K.A. Gopal and S. Ramanathan.
- Ex. M-18/17-5-76 Letter from the Aminjikarai Branch Bank to the Central Office furnishing details of Cashier allowance paid to the employees.
- Ex.M-19/31-1-78 Letter from the Central Office of the Bank to the Aminjikarai Branch regarding entrustment of cashier duty to Thiru D. Karunakaran.
- Ex.M-20/13-2-78 Letter from the Central Office of the Bank to the Aminjikarai Branch advising that Thiru Rajapandian may be entrusted with cashier duties.
- Ex.M-21/2-3-78

Ex.M-22/10-5-78--	Letter from the Aminjikarai Branch Bank to the Central Office forwarding the representation of Thiru C. Valliappan.	Ex.M-38/30-11-77	Award of the Industrial Tribunal (Central), Hyderabad in J. D. No. 7 of 1977.
Ex.M-23/7-6-78--	Letter from the Central office of the Bank to the Aminjikarai Branch advising to entrust the cashier duties to Thiru Valliappan.	Ex.M-39/26-12-80	Circular of the Bank enclosing list of 400 members who have been promoted to the office cadre.
Ex.M-24/14-7-78--	Letter from the Aminjikarai Branch to the Central office enclosing the representations of Thiruvalargal C. Valliappan and D. Karunakaran.	Ex.M-40 series	Salary sheets of the staff for the months from April, 1978 to August, 1978.
Ex.M-25/2-8-78--	Letter from the Central office of the Bank to the Aminjikarai Branch enclosing a letter dated 2-8-78 addressed to Thiru D. Karunakaran.		
Ex.M-26/23-8-78--	Letter from the Aminjikarai Branch Bank to the Central Office forwarding the representation of Thiru D. Karunakaran.		
Ex.M-27/15-9-78--	Letter from the Bank's central office to Thiru D. Karunakaran for handing over the keys to Thiru C. Valliappan.		
Ex.M-28/27-9-78--	Representation of Thiru D. Karunakaran to the Chairman and Managing Director of the Bank.		
Ex.M-29/12-10-78--	Memo from the Central Office of the Bank to the Aminjikarai Branch for requesting Thiru D. Karunakaran to call on Assistant General Manager for discussion.		
Ex.M-30/20-10-78--	Letter from the Aminjikarai Branch Bank to Thiru D. Karunakaran calling him to hand over keys to Thiru C. Valliappan.		
Ex.M-31/6-1-79--	Letter from the Union to the Regional Labour Commissioner (Central), Madras requesting for intervention.		
Ex.M-32/5-3-79	Letter from the Management to the Assistant Labour Commissioner (Central), Madras regarding withdrawal of cashier's allowance.		
Ex.M-33/3-4-79	Letter from the Union to the Regional Labour Commissioner (Central), Madras regarding withdrawal of Key allowance.		
Ex.M-34/21-7-77	Letter from the Mylapore Branch Bank to the Regional Office requiring staff for evening counter service.		
Ex.M-35	Seniority list of secured hands at Mylapore Branch.		
Ex.M-36/17-9-77	Letter from the Mylapore Branch to the Central Office furnishing the names of staff and their pay particulars.		
Ex.M-37/29-9-77	Letter from the Central Office to the Mylapore Branch Bank regarding joint custody of cash.		

T. SUDARSANAM DANIEL, Presiding Officer

Note :—Parties are directed to take return of their document/s within six months from the date of publication of this Award.

S.O. 1208.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal, Madras, in the industrial dispute between the employers in relation to the management of State Bank of India and their workman, which was received by the Central Government on the 16th March, 1981.

BEFORE THIRU T. SUDARSANAM DANIEL, B.A., B.L., PRESIDING OFFICER, INDUSTRIAL TRIBUNAL,

MADRAS

(Constituted by the Government of India)

Saturday, the 28th day of February, 1981

INDUSTRIAL DISPUTE NO. 75 OF 1980

(In the matter of the dispute for adjudication under Section 10(1)(d) of the Industrial Disputes Act, 1947 between the workmen and the Management of State Bank of India, Madras.)

BETWEEN

The workmen represented by

The General Secretary, State Bank Employees' Union, 36/37, Angappa Naickan Street, Madras-1.

AND

The Chief General Manager, State Bank of India, 21, Rajaji Street, Madras LHO, Madras-1.

REFERENCE

Order No. L-12012/80/79-D.II.A. dated 3rd October, 1980 of the Ministry of Labour, Government of India.

This dispute coming on for final hearing on Thursday, the 22nd day of January, 1981 upon perusing the reference, claim and counter statement and all other material papers on record and upon hearing the arguments of Thiru K. Chandra for Thiruvalargal Row and Reddy and K. Chandru, Advocates for the workmen and of Thiru M. Mahalingam, Advocate for the Management and this dispute having stood over till this day for consideration, this Tribunal made the following.

AWARD

This is an Industrial Dispute between the workmen and the Management of State Bank of India, Madras referred to this Tribunal for adjudication under Section 10(1)(d) of the Industrial Disputes Act, 1947 by the Government of India in Order No. L-12012/80/79-D.II.A. dated 3rd October, 1980 of the Ministry of Labour, in respect of the following issue :

"Whether the action of the management of State Bank of India, Madras in terminating the services of Shri K. Umashankar, Cashier with effect from 5th October 1973 while retaining Shri Mathlakumar, Junior

to him, in the service of the bank, is justified? If not, to what relief is the workman concerned entitled?"

(2) Facts leading upto this dispute are as follows: The Management is the Chief General Manager, State Bank of India, Rajaji Street, Madras-1, Tamil Nadu. The reference made by the Government of India to this Tribunal relates to the termination of Thiru K. Umashankar with effect from 5th October, 1973. By order Ex. W-1, dated 13th February, 1973 issued by the State Bank of India, Egmore Branch, Madras, Thiru K. Umashankar was directed to appear before the Manager for an interview for the temporary appointment as Clerk-cum-Typist. Apparently, the Bank was satisfied about his qualifications and testimonials and therefore the Bank gave an appointment order Ex. W-2 dated 15th February, 1973, whereby Thiru K. Umashankar was appointed as a temporary clerk with a monthly salary of Rs. 190 plus other allowances. Under Ex. W-2, Thiru K. Umashankar was appointed as a temporary clerk for a period of one month from 15th February, 1973. But the same appointment was extended continuously until 5th October, 1973 when the Management did not issue any further order extending the services of Thiru K. Umashankar with the Management. The case of Thiru K. Umashankar is that his services had been terminated abruptly on 5th October, 1973 without notice or wages in lieu of notice and compensation as contemplated under Section 25-F of the Industrial Disputes Act, 1947 and that his termination is also illegal in view of Section 25-G and 25-H of the Industrial Disputes Act, 1947. The stand of the Management is that Thiru K. Umashankar is not entitled to any relief whatsoever. The claim statement on behalf of Thiru K. Umashankar has been filed by the General Secretary of the State Bank Employees Union, Madras-1.

(3) It is common ground that Thiru K. Umashankar entered the service of the Management as a temporary Clerk-Typist on 15th February, 1973. Ex. W-10 is copy of the certificate issued by the Manager of the Egmore Branch of State Bank of India giving the service particulars relating to Thiru K. Umashankar. As per Ex. W-10, Thiru K. Umashankar had in all worked for 226 days (calculating on day-war basis) as temporary Clerk-Typist under the Management. According to the Management, although in all Thiru K. Umashankar had worked for 226 days as temporary Clerk-Typist in Egmore Branch, yet he did not work continuously with the Management from 15th February, 1973 upto 5th October, 1973. From the data furnished by the Management under Ex. W-10, Thiru K. Umashankar had worked in all for 226 days between 15th February, 1973 and 5th October, 1973 but it was not a continuous employment and that there were breaks in between during this period. From Ex. W-10, it may be gathered that in between 15th February, 1973 and 5th October, 1973, Thiru K. Umashankar did not actually work on the following dates: 23rd May, 1973, 24th May, 1973 and 25th May, 1973; 9th August, 1973 to 12th August, 1973. But the documentary materials placed do not support the case put forward by the Management. Ex. W-4 is the order issued by the Branch Manager of State Bank of India, Egmore on 24th April, 1973. But it purports to give one month appointment with retrospective effect from 16th April, 1973. Under the earlier order Ex. W-3, the services of Thiru K. Umashankar had been extended for a period of one month from 16th March, 1973. Therefore, it weight has to be attached to Ex. W-3, it would mean that by 16th April, 1973 the services of Thiru K. Umashankar has come to an end. But it was not so. Even without any order in writing Thiru K. Umashankar was continued in employment in the same category and only on 24th April, 1973 under Ex. W-4 an order was passed formally extending the service of Thiru K. Umashankar for a period of one month with retrospective effect from 16th April, 1973. According to Ex. W-4, the services of Thiru K. Umashankar must have come to an end by 16th May, 1973. The Bank would say that in May, 1973, Thiru K. Umashankar did not work for three days, namely, 23rd May, 1973, 24th May, 1973 and 25th May, 1973. Significantly, the Management-Bank has not produced any appointment order for Thiru K. Umashankar covering the period from 16th May, 1973 upto 22nd May, 1973 and again from 26th May, 1973 onwards. On the other hand, another order Ex. W-5 dated 8th June, 1973 purports to extend the services of Thiru K. Umashankar with retrospective effect from 26th May, 1973 for a period of one month. Therefore from the pattern of the order issued often and on by the Management it can be concluded that Thiru K. Umashankar was

never ousted from service but continued to be employed by the Bank. Therefore, on the facts placed before me, I am unable to accept the case of the Management that Thiru K. Umashankar was not in actual employment of the Bank on three days, viz., 23rd May, 1973, 24th May, 1973 and 25th May, 1973. Similarly, the Management would say that in the month of August, 1973, Thiru K. Umashankar had only worked in all for 27 days, viz., from 1st August, 1973 to 8th August, 1973 and from 13th August, 1973 to 31st August, 1973. As per Ex. W-6, the order of the Manager, Egmore Branch, State Bank of India dated 6th July, 1973, the services of Thiru K. Umashankar was extended for a period of one month from 26th June, 1973. Therefore, as per Ex. W-6 Thiru K. Umashankar was continued in service till 26th July, 1973. It is manifest that until 18th September, 1973 the Management did not pass any order extending the service of Thiru K. Umashankar after 26th July, 1973. Under Ex. W-7, on 18th September, 1973, the Bank purports to extend the period of service of Thiru K. Umashankar from 26th July, 1973 to 1st August, 1973 and on the even date under Ex. W-8, Thiru K. Umashankar's services had been extended for a period of one month from 6th August, 1973. Therefore, if weight is to be attached to Exs. W-7 and W-8, it would amount to this that Thiru K. Umashankar was not in the service of the Bank between 2nd August, 1973 to 5th August, 1973. But this would give a lie circumstantial to the stand of the Management in their counter statement, as also under Ex. W-10 that as a matter of fact, Thiru K. Umashankar was in their employment between 2nd August, 1973 to 5th August, 1973. It must be remembered that Exs. W-7 and W-8 had been passed only on 18th September, 1973. Therefore, it is abundantly clear on unimpeachable materials appearing even on the documents of the Management that Thiru K. Umashankar was in continuous service from 15th February, 1973 until 5th October, 1973 when he was terminated. Even assuming that during this period as per the Management's version Thiru K. Umashankar was not in employment on three days in May, 1973, viz., 23rd, 24th and 25th and four days in August, 1973, viz., 9th to 12th, it has to be seen whether it should necessarily be considered a break in the service of Thiru K. Umashankar with the Management. As I had already referred to the relevant orders of the Management would only be Exs. W-7 and W-8. It should be remembered that both the orders are of self-same date, namely 18th September, 1973. Therefore, much reliance cannot be placed on the claim of the Management that Thiru K. Umashankar did not actually work on those days in May and August, 1973. Furthermore, Section 25B(1) of the Industrial Disputes Act, 1947 runs as follows :

"A workman shall be said to be in continuous service for a period if he is, for that period, in uninterrupted service, including service which may be interrupted on account of sickness or authorised leave or an accident or a strike, which is not illegal, or a lock-out or a cessation of work which is not due to any fault on the part of the workman."

Even according to the Management, they have not offered work to Thiru K. Umashankar during those few days. That means in those few days the Management did not offer the work to Thiru K. Umashankar for want of work. By no stretch of imagination that can it then be said to be a cessation of work due to any fault on the part of the concerned workman, viz., Thiru K. Umashankar. Hence he must be held to be in continuous service as envisaged under Section 25B(1) of the Industrial Disputes Act, 1947. Looked at from any angle, I have no hesitation to find that Thiru K. Umashankar was in the continuous service of the Respondent-Management Bank from 15th February, 1973 upto 5th October, 1973.

(4) Admittedly, the services of Thiru K. Umashankar with the Management came to an end by 5th October, 1973. It is common ground that no notice or wages in lieu of notice was offered to him and no compensation as per the provisions of Section 25-F of the Industrial Disputes Act, 1947 was offered to him. From the facts placed, it is clear that Thiru K. Umashankar was in the services of the Management continuously from 15th February, 1973 upto 5th October, 1973 and therefore he has put in a service with the Management for less than one year. In order to be entitled to claim compensation either under Section 25-C or under Section 25-F of the Industrial Disputes Act, the condition precedent is that the workman must have been in continuous service for not less than one year. In that view, the workman Thiru K. Umashankar would not be entitled to claim any benefits

either under Section 25-C or Section 25-F of the Industrial Disputes Act, 1947.

(5) Learned counsel for the workman Thiru K. Chandru however, contends that no employer shall dispense with the services of a person employed continuously for a period of not less than six months, except for a reasonable cause and without giving such person at least one month's notice or wages in lieu of such notice. Support for this position is sought to be had from Section 41 of the Tamil Nadu Shops and Establishments Act, 1947. On the facts of the case, Section 41 of the Tamil Nadu Shops and Establishments Act, 1947 appears to come in aid of the concerned workman. But it is stated by the Management that the workman cannot convert this forum as an appeal under Tamil Nadu Shops and Establishments Act, 1947 when Thiru K. Umashankar has not filed any appeal as such against his termination as provided under Section 41 of the Tamil Nadu Shops and Establishments Act, 1947 before the Appellate Authority. In 1977-II—L.L.J. Page 312 (Safire Theatre vs. Commissioner for Workmen's Compensation and others), a Full Bench of our High Court has held that under such circumstances, both remedies, under Industrial Disputes Act, 1947, are available and Tamil Nadu Shops and Establishments Act, 1947 to the aggrieved workmen and if a reference has been made before the conclusion of the appeal under Section 41 of the Madras Act, the proceedings under the Industrial Disputes Act will have to be followed. Inasmuch as in this case, the workman has not even filed any appeal under Section 41 of the Tamil Nadu Shops and Establishments Act, 1947, it follows that it will be open to him to raise the plea to agitate his right as provided for under Section 41 of the Tamil Nadu Shops and Establishments Act, 1947 and under Industrial Disputes Act. Under Section 41 of the Tamil Nadu Shops and Establishments Act, 1947 the services of a person employed continuously for a period of not less than six months can be dispensed with by the employer on two conditions : (i) for a reasonable cause and (ii) giving such person at least one month's notice or wages in lieu of such notice. Therefore, it has to be considered whether these two conditions have been satisfied by the Employer-Management. With regard to the 2nd condition, viz., giving at least one month's notice or wages in lieu thereof such notice, there is no dispute whatsoever that as far as Thiru K. Umashankar is concerned no notice has been issued and no wages in lieu thereof had been given or offered. However, it should also be noted that such notice shall not be necessary where the services of such persons are dispensed with on a charge of misconduct supported by satisfactory evidence recorded at an enquiry held for the purpose. Admittedly, there was no charge of misconduct against Thiru K. Umashankar and no enquiry was held and no evidence much less satisfactory evidence had been recorded in that direction. Therefore, it remains to be seen whether the services of Thiru K. Umashankar had been dispensed with for a reasonable cause.

(6) Under paragraph 522(4) of the Sastry Award it is provided that the services of a temporary employee can be terminated only by giving 14 days' notice. According to the Management, that proviso has no application to this case because the appointment of Thiru K. Umashankar was made only for fixed periods and on the expiry of the said period, the services of Thiru K. Umashankar came to an automatic end by efflux of time. However, this stand of the Management is untenable in view of the original order of appointment given to Thiru K. Umashankar on 15th February, 1973 under Ex. W-2. As per clause (1) of Ex. W-2, the Management has clearly pointed out that the appointment is purely a temporary one liable to be terminated subject to 14 days notice or 14 days wages in lieu thereof without assigning any reason therefor at the Bank's discretion and as per clause (2), if Thiru K. Umashankar wishes to leave the service, he also should give 14 days notice in writing, failing which he will be held liable for a week's wage. It is significant to point out that although the Management purports to appoint Thiru K. Umashankar only for a period of one month under Ex. W-2 provision is clearly made indicating that the appointment is purely a temporary one liable to be terminated subject to 14 days notice or 14 days wages in lieu thereof without assigning any reason therefor at the Bank's discretion. Thus, it is manifest that literally under Ex. W-2, the Bank has reproduced the notice of termination as contemplated in paragraph 522(4) of the Sastry Award. Exs. W-3 to W-9 are orders passed by the Management extending the service of Thiru K. Umashankar on the same terms as the original

appointment order issued under Ex. W-2 on 15th February, 1973. In particular, I may specifically refer to the last order, viz., Ex. W-9 dated 28th September, 1973, whereby the services of Thiru K. Umashankar had been extended for a period of one month from 6th September, 1973 on the same terms and conditions with reference to his appointment other dated 15th February, 1973 (Ex. W-2). Therefore, it can be easily held that even the last order of appointment Ex. W-9 is linked with the conditions mentioned in the original appointment order Ex. W-2 dated 15th February, 1973 issued by the Management. If that be so, as per clause (1) of Ex. W-2, the services of Thiru K. Umashankar can be terminated subject to 14 days notice or 14 days wages in lieu thereof without assigning any reason therefor. On behalf of the Management, it is pointed out that while under the last appointment order Ex. W-9, the services of Thiru K. Umashankar had been extended for a period of one month from 6th September, 1973 and therefore under the said order, the appointment is only for a fixed period and after the expiry of the said period, namely, from 6th October, 1973, the services of Thiru K. Umashankar must be held to have come to an automatic end by efflux of time. But here again it must be mentioned that the order under Ex. W-9 is again linked with the terms and conditions embodied in the original appointment order Ex. W-2 dated 15th February, 1973. Alternatively according to the Management, the clause (1) in Ex. W-2 is only intended to be operative during the employment of the workmen and therefore when the services of the workmen comes to an end by efflux of time under Ex. W-9 he is not entitled to claim any notice as mentioned in clause (1) of Ex. W-2. If under Ex. W-9, the services of Thiru K. Umashankar had been extended only for one month with effect from 6th September, 1973 without any added conditions, then there is some meaning to the Management's point of view. But inasmuch as the order under Ex. W-9 is inherently bound by the terms and conditions under Ex. W-2 it is impossible to ignore the conditions mentioned in Ex. W-2. Moreover, if the contention of the Management that clause (1) of Ex. W-2 can be resorted to or invoked only during the period of employment by the Management, then also no rational meaning can be attributed to the order passed by the Management under Ex. M-7 on 18th September, 1973 extending the period of service of Thiru K. Umashankar for 7 days from 26th July, 1973 to 1st August, 1973 on the same conditions contained in the original order of appointment Ex. W-2 dated 15th February, 1973. Apparently, the appointment order under Ex. W-7 is only for a period of 7 days from 26th July, 1973 to 1st August, 1973. In that case, if the Management wanted to invoke clause (1) contained in Ex. W-2 or the worker wanted to invoke clause (2) in Ex. W-2 it would be well nigh impossible of performance. It should also be noted that order in Ex. W-7 extending the service of workman for a period of 7 days from 26th July, 1973 to 1st August, 1973 is passed nearly two months later on 18th September, 1973. Therefore, one thing is apparent that whether the period of extension is for a period of a week or a month, the conditions are laid down under Ex. W-2, the original order of appointment. As per the integral part of the condition of service attached to the workman's employment by the Bank notice is absolutely necessary as provided for under Ex. W-2. If such notice had been issued under clause (1) of Ex. W-2, then there is room to hold that the termination is strictly within the four walls stipulated under Ex. W-2. It should be remembered that as per clause (1) of Ex. W-2, the Management is entitled to issue such a notice without assigning any reason therefor at the Bank's discretion. Therefore, when the Management does not purport to act under clause (1) of Ex. W-2, it follows that the Management can sustain a termination only for any reasonable cause. Hence the action of the Management in having not resorted to the procedure as indicated in paragraph 522(4) of the Sastry Award and also in violation of the specific terms of contract, viz., clause (1) of Ex. W-2 must be held to be illegal.

(7) The workman Thiru K. Umashankar had issued a lawyer's notice to the Management stating that Management's termination of his appointment is void in law that he must be reinstated by the Management with all back wages and other privileges. Ex. W-11 is the copy of the notice sent on his behalf. Ex. W-12 is the reply sent by the Management on 13th August, 1975. It must be remembered that in Ex. W-12, the only ground mentioned by the Management was that Thiru K. Umashankar's employment came to an end on 5th October, 1973 by virtue of the

specific period of employment to which he had agreed and therefore he is not entitled to be reinstated, and no other reason has been assigned as to why his services were not continued beyond 30 October, 1973. Ex. W-13 is the subsequent notice sent by the workman through an advocate on 29th February, 1976 calling on the Management to reinstate the workman with all attendant benefits. Ex. W-14 is the reply sent by the Management on 15th March, 1976. Even here the Management has not set out any other ground justifying their action against the workmen. Thereafter, the industrial law was set in motion challenging the action of the Management in having dispensed with the services of Thiru K. Umashankar. Ex. W-16 is the statement of comments sent by the Management to the Regional Labour Commissioner (Central), Madras-6 on 10-9-1979. Only in paragraph (3) of Ex. W-16, it is whispered that the workman was replaced by a candidate who was selected by the Bank in the written test and interview held for that purpose. Thus six years after dispensing with the services of the workman Thiru K. Umashankar, only for the first time in writing under Ex. W-16 in 1979 the Management says that he has been replaced by a candidate who was selected by the Bank by an interview and selected for the purpose. At this juncture, I may also offer a comment on the definite stand taken up by the Management under Ex. W-16. All through the case of the Management is that Thiru K. Umashankar was engaged only for fixed periods to attend to the Bank's urgent work/leave vacancy work on a purely temporary basis. If that be so when eventually on 5-10-1973, Thiru K. Umashankar's employment came to an end, only on the basis that the Bank was not in need of the services of Thiru K. Umashankar for want of work. However, the expression used in Ex. W-16 assumes considerable significance. Ex. W-16 does not say that Thiru K. Umashankar was not engaged because there was no work necessitating his engagement by the Bank. On the other hand, the categorical stand is that "Thiru K. Umashankar was replaced by a candidate who was selected by the Bank in the written test and interview held for the purpose." Hence it is obvious that there was no question of any want of work to be offered by the Management. But the case is that Thiru K. Umashankar has been replaced, it only connotes that for some reason not on the ground of want of work, the services of Thiru K. Umashankar had been terminated. It should also be remembered that even the Management has no word to say against either the conduct or character or the performance of work by Thiru K. Umashankar. Thus the plea taken up by the Management under Ex. W-16 that Thiru Umashankar has been replaced by another candidate would go a long way to probabilities the claim of the workman that for exterior consideration the services of Thiru K. Umashankar had been put an end by the Management. That leads me to the question as to whether the ground for replacement of Thiru K. Umashankar as set out in Ex. W-16 can be considered to be a reasonable cause.

(8) In paragraph (8)(b) of the claim statement filed by the Union, it is mentioned that subsequent to the termination of the services of Thiru K. Umashankar, several other persons have been appointed including Thiru Mathiakumar in the Respondent-Bank in the same post. In paragraph (4) of the counter statement, filed by the Management, it is stated that the Respondent-Bank engaged Thiru Mathiakumar as temporary employee for 4 days from 27-9-1973 to 30-9-1973 and again for 12 days from 1-10-1973 to 12-10-1973. Thereafter, he was not engaged. Therefore, even on the stand of the Management in paragraph (4) of their counter statement, it must be found that Thiru Mathiakumar was entertained by the Bank only on 27-9-1973 for a period of 16 days till 12-10-1973. At the time of arguments, learned counsel for the Management Thiru Mahalingam was unable to state positively whether Thiru Mathiakumar was continued in employment even after 12-10-1973. But in paragraph (6)(f) of the counter statement filed by the Management-Bank, an oblique defence has been taken. It is stated that the candidate who was selected by the Bank in the written test and interview held for the purpose was appointed and therefore there is no injury or grievances caused to Thiru K. Umashankar. As I had already stated that in paragraph (3) of the statement of the Management Ex. W-16, it was mentioned that he was replaced by a candidate who was selected by the Bank in the written test and interview held for the purpose. This plea under Ex. W-16 has been put forward on 10-9-1979 and the counter statement has been filed before this Tribunal on 9-12-1980. Even then, the Management did not muster courage to name the individual who has actually replaced Thiru K.

Umashankar who had written test and appeared for interview. It is not stated when this un-named candidate appeared for the test or when he had appeared for the interview or when he was selected by the Bank. At this stage, it should be remembered that Thiru K. Umashankar was directed by the Bank to appear for interview for the post of Clerk-cum-typist—vide Ex. W.1. Naturally, when the Bank had satisfied itself about his qualification and testimonial, he was given an appointment order on 15-2-1973—vide Ex. W-2. At no point of time ever since Thiru K. Umashankar entered into the service of the Bank, the Management had indicated to him that he should pass any written test as such. Nothing prohibited the Bank to have disclosed the relevant facts relating to the so-called dark horse who had replaced Thiru K. Umashankar. The Management's reluctance to place these records would strengthen the claim of the workman Thiru K. Umashankar that subsequent to his termination, several other persons have been appointed including Thiru Mathiakumar in the same post. I do not think the Management will take the extreme position that from 5-10-1973 till March, 1979 or even December, 1980 no other person had been taken by the Respondent-Bank in the same category of Clerk-cum-Typist. Ex. M-1 is the Establishment Register of the Bank, Egmore Branch for the period from November, 1972 to 18-6-1974. The establishment charges for the month of October, 1973 is found from pages 42 to 49 of Ex. M-1. The fact that Thiru Mathiakumar worked as temporary clerk and typist from 27-4-1973 to 12-10-1973 is borne out at page 42 of Ex. M-1. Apart from Thiru Mathiakumar, another K. Vilay, a Typist was also working from 27-9-1973 to 11-10-1973. Curiously, at page 48, the payment of wages to Thiru K. Umashankar for the period from 1-8-1973 to 31-8-1973 is indicated. Another Thiru K. Shankar has also continued as a Clerk-Typist on temporary basis even in November, 1973. The said Thiru K. Shankar has also been continued as a temporary Clerk in December, 1973 also, as also one Thiru B. Baskar. As seen from page 68, both Thiru K. Shankar and Thiru B. Baskar have been continued as temporary employees in the month of January 1974. These two employees Thiru K. Shankar and Thiru B. Baskar were also continued in the employment of the Bank in March, 1974 also—vide page 77 of Ex. M-1. Thus there is considerable force in the claim of Thiru K. Umashankar that although his services were terminated on 5-10-1973 several other persons have been appointed including Thiru Mathiakumar in the same post. Apparently, at no point of time, Thiru K. Umashankar had been offered any re-employment by the Bank. Therefore, that leads me to the question whether there is infringement of the provisions, namely, Section 25(G) and 25(H) of the Industrial Disputes Act, 1947. Before I consider this question, I may also advert to the stand of the Management that once it is found that Thiru K. Umashankar would not come within the meaning of Section 25-F of the Industrial Disputes Act, 1947 it must follow that he will not be entitled to any relief either under Section 25(G) or 25(H) of the Industrial Disputes Act, 1947. This point has been answered by the latest Division Bench ruling of the Kerala High Court reported in 1981 (42) F.L.R. Page 113 (P. Prabhakaran and others vs. General Manager, Kerala State Road Transport Corporation and another) where the court has clearly pointed out that "the termination of their service would constitute retrenchment notwithstanding the fact that they are temporary employees appointed only for the duration of the time specified in the orders of appointment." The legislative intent and purport underlying in Section 25-F is distinct and different from that of Section 25-G and the High Court sees no warrant whatever for restricting the scope of Section 25-G by reading into it a limitation that the benefit of the section would be available only in respect of workmen who satisfy the condition regarding the length of continuous service specified in Section 25-F of the Industrial Disputes Act, 1947. The Kerala High Court also refers to the latest decision of the Supreme Court reported in 1980—U-LJ Page 72 (Santosh Gupta vs. State Bank of India). In the circumstances, although Thiru K. Umashankar cannot claim any benefit under Section 25-F of the Industrial Disputes Act, 1947 yet he will squarely come within the purview of claiming benefits under Section 25-G and 25-H of the Industrial Disputes Act, 1947. I have already pointed out in detail how on the available facts it is abundantly clear that the Bank has not followed the seniority rule as contemplated under Section 25-G of the Industrial Disputes Act, 1947 or the procedure for re-employment contemplated under Section 25-H of the Industrial Disputes Act, 1947. In that view also the action of the Management in terminating Thiru K. Umashankar must be held to be illegal and so it follows

that the termination of Thiru K. Umashankar was not for any reasonable cause.

(9) Finally, I may also advert to the case of the Union, namely, that the action of the Management in terminating Thiru K. Umashankar was mala fide. Our High Court delivered its judgement in the case what is known as Sundaramoney's case (vide 1974—M.L.J. Page 358) on 19-10-1973. That relates to a temporary employee of the State Bank of India who has put in a number of days of service and the High Court directed his reinstatement since the Bank had not followed the procedure prescribed under Section 25-F of the Industrial Disputes Act, 1947. The case at the Union is ever since this judgment was rendered in July, 1973, the Bank began to adopt a method of terminating the services of all temporary employees who have not completed 240 days of service. This plea has been specifically put forward in Ex. W-11. The decision of the High Court in Sundaramoney's case was also confirmed by a Division Bench of our High Court in Writ Appeal No. 231 of 1973 which was delivered on 24th March, 1975. Probably, that relates to some extent the inaction of the workman ever since his termination till 1975 when he issued the notice under Ex. W-12. The Supreme Court in 1980-II-L.L.J. Page 72, has also confirmed the Division Bench ruling of our High Court in a decision reported in 1976—I-L.L.J. Page 478 (State Bank of India vs. Shri N. Sundaramoney). Even thereafter, there was some lingering doubt about the correctness of the decision rendered by the Supreme Court in Sundaramoney's case. A Bench of three Judges of Supreme Court comprising of Chandrachud, J. (as he then was), Krishna Iyer, J., and Gupta, J. had held that there was nothing in the decision of Sundaramoney's case for reconsideration. Moreover, by a later decision of the Supreme Court rendered on 29-4-1980 the Supreme Court has finally affirmed the principle laid down in Sundaramoney's case, namely, the expression "retrenchment" must include every termination of the service of a workman which does not however include voluntary retirement of a workman or retrenchment of the workmen on reaching the age of superannuation or termination of the service of the workman on the ground of continuous ill health. Therefore, taking into consideration the vicissitudes of law with regard to temporary workmen employed by the Respondent-Bank it is not improbable that the Management eventually wanted to put an end to such employment. This will also be evident from the manner in which the services of Thiru K. Umashankar had been extended from time to time from 15-2-1973 long after the period provided in the appointment order Thiru K. Umashankar had been continued in employment. Formal orders were passed at such time as the Management thought. For instance, I may refer to three orders passed within 10 days in September 1973, viz., Exs. W-7, W-8 and W-9. Ex. W-7 dated 18-9-1973 purports to extend the service of Thiru K. Umashankar respectively for a period of 7 days from 26th July, 1973 to 1st August, 1973. On the same day Ex. W-8 has been passed extending the period of service of Thiru K. Umashankar for one month from 6th August, 1973. It can also be safely presumed that in between Ex. W-7 and W-8 the Management should have passed another order even on 18-9-1973 extending the period of employment of Thiru K. Umashankar from 2nd August, 1973 to 5th August, 1973 on the same conditions and terms mentioned in Ex. W-2. Ex. W-9, dated 28-9-1973 purports to extend the period of another month respectively from 6-9-1973. Therefore, it is apparent that the services of Thiru K. Umashankar had been continued long after the formal issue of appointment order and the orders were passed only for office purposes. But the fact remains that Thiru K. Umashankar remained in continuous service from 15-2-1973 upto 5-10-1973 for a period of 233 days. Even if the 14days notice contemplated under the Sastry Award is tacked on to the service conditions laid in clause (1) of Ex. W-2 it can be found that Thiru K. Umashankar had put in more than 242 days of service under the Respondent-Bank. It is not as though the Respondent-Bank had no opportunity whatsoever to offer employment to the post of Typist-cum-Clerk to Thiru K. Umashankar. As a matter of fact, even subsequently, temporary clerks had been entertained by the same Management. Taking into consideration the entire gamut of facts of the case. It is possible to conclude that the services of Thiru K. Umashankar had been terminated with some ulterior purpose. Therefore, the only plausible ground on which the action of the Management in terminating Thiru K. Umashankar can be justified would be the outmoded and long exploded doctrine of hire and fire. Looked at from any angle it can hardly be said that the termination of Thiru K. Umashankar was for any reasonable cause.

(10) The final question that remains to be answered is the relief that has to be granted to the Petitioner Thiru K. Umashankar. It is not the case of the Management that Thiru K. Umashankar was employed elsewhere eversince his termination from 6-10-1973 till date. In the citation of the Supreme Court referred to earlier, viz., 1980-II-L.L.J. Page 72 (Santhosh Gupta vs. State Bank of India), the Supreme Court has pointed out that "once the retrenchment is held to be bad, normal relief is reinstatement with back wages." The date of reference made by the Government of India is 31st October, 1980. Although in 1975 and in 1976, the workman Thiru K. Umashankar had caused the issue of notice through lawyer under Exs. W-11 and W-14, he did not follow it up by any further action. It must be remembered that unless the issue of notice is followed up by the workman it cannot necessarily be taken that the workman is interested in the issue. On the other hand, the Union has raised the issue for the first time on 2nd March, 1978—vide Ex. W-15. Therefore it is obvious that the workman has set the industrial machinery in motion as provided for under the Industrial Disputes Act, 1947 only in March, 1978. Taking all these factors into consideration, the ends of justice can be met by ordering back wages from March, 1978.

(11) In the result, an Award is passed ordering reinstatement of Thiru K. Umashankar with back wages from March, 1978. Although the claim for award of costs may not altogether be unjustified, yet in order to maintain peace and cordial industrial relationship, I direct the parties to bear their respective costs.

Dated, this 28th day of February, 1981.

T. SUNDARSHANAM DANIEL, Presiding Officer

[No. L-12012/180/79-D.II(A)]

N. K. VERMA, Desk Officer

WITNESSES EXAMINED

For both sides : None

DOCUMENTS MARKED

For workman

Ex. W-1/13-2-73—Letter from the Bank to Thiru K. Umashankar calling him for temporary appointment as Clerk-cum-typist.

Ex. W-2/15-2-73—Appointment order issued to Thiru K. Umashankar.

Ex. W-3/20-3-73—Letter of the Bank extending the service of Thiru K. Umashankar for one month.

Ex. W-4/24-4-73—-do-

Ex. W-5/8-6-73—-do-

Ex. W-6/6-7-73—-do-

Ex. W-7/18-9-73—-do-

Ex. W-8/18-9-73—do

Ex. W-9/28-9-73—-do-

Ex. W-10/2410-73—Service Certificate given to Thiru K. Umashankar by the Bank. (copy)

Ex. W-11/16-7-75—Lawyers notice to the Bank. (copy)

Ex. W-12/13-8-75—Reply notice from the Bank to Ex. W-11.

Ex. W-13/25-2-76—Further notice from the lawyer of Thiru K. Umashankar to the Bank. (copy)

- Ex. W-14/15-3-76—Reply notice of the Bank to Ex. W-13.
- Ex. W-15/2-3-78—Letter from the Union to the Regional Labour Commissioner (Central), Madras requesting for conciliation.
- Ex. W-16/10-9-79—Statement of comments sent to the Regional Labour Commissioner (Central), Madras, in reply to Ex. W-15.
- Ex. W-17/19-11-79—Conciliation failure report.

For Management

- Ex. M-1—Establishment Register of the Bank for the period from November, 1972 to 18-6-1974.

T. SUDARSANAM DANIEL, Industrial Tribunal

Note : Parties are directed to take return of their documents within six months from the date of publication of this Award.

T. SUNDARSHANAM DANIEL, Presiding Officer

By order,

Sd/- Illegible

Head Ministerial Officer
Industrial Tribunal,
Madras.

